PARTY POLITICS AND INTER-GOVERNMENTAL RELATIONS IN INDIAN FEDERALISM (1977-1989) :

A STUDY OF CHANGING POLITICAL CONFIGURATIONS AND RELATIONSHIPS IN FUNCTIONAL AREAS

Dissertation submitted to the Jawaharlal Nehru University
in partial fulfilment of the requirements
for the award of the Degree of
MASTER OF PHILOSOPHY

GARIMA BHATNAGAR

CENTER. FOR POLITICAL STUDIES
SCHOOL OF SOCIAL SCIENCES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI-110067, INDIA
1991

DECLARATION

Certified that the dissertation entitled 'PARTY POLITICS AND INTER-GOVERNMENTAL RELATIONS IN INDIAN FEDERALISM (1977-1989) : A Study of changing political configurations and relationships in functional areas' submitted by Garima Bhatnagar in partial fulfilment of the requirement for the award of the degree of Master of Philosophy has not been previously submitted for any other degree of this university or any other university and is her own work.

We recommend that this disertation may be placed before the examiner for evaluation.

(PROFESSOR BALVEER ARORA)
SUPERVISOR

(PROFESSOR BALVEER ARORA)
CHAIRMAN
CENTRE FOR POLITICAL STUDIES
SCHOOL OF SOCIAL SCIENCES

Chairperson
Centre f   Political Studies
School of Sci l Sciences
Jawaharl l hru University
New Delhi-110067

ACKNOWLEDGEMENT

C O N T E N T

LIST OF TABLES

LIST OF PARTIES - 1977 - 1989

CODE	PARTY NAME

NATIONAL PARTIES

BJP	Bhartiya Janata Party
BLD	Bhartiya Lok Dal
BJS	Bhartiya Jan Sangha
CPI	Communist Party of India
CPM	Communist Party of India (Marxist)
ICS	Indian Cogress Socialist
INS	Indian National Congress also Congress (I)
JD	Janata Dal
JP	Janata Party
LKDB	Lok Dal (Bahuguna)

STATE PARTIES

ADMK	All India Anna Dravida Munetra Kazhagam
DMK	Dravida Munestra Kazhagam
FBL	All India Forward Block
JKNC	Jammu & Kashmir National Conference
KC	Kerala Congress
MAG	Maharashtrawadi Gomantak Party
ML	Muslim League
MNF	Mizo National Front
PWP	Peasants & Workers Party of India
RSP	Revolutionary Socialist Party
SAD	Shiriomani Akali Dal
SADB	Shiriomani Akali Dal (Badal)
SSP	Sikkim Sangram Parishad
SADM	Shirimani Akali Dal (Mann)
TDP	Telugu Desam

REGISTERED PARTIES

BSP	Bahujan Samaj Party
GNLF	Gorkha National Liberation Front
INP	Indian People's Front
JMM	Jharkhand Mukti Morcha
NPP	National People's Party
SHS	Shiv Sena

CHAPTER - I

INTRODUCTION

AN OVERVIEW OF PROBLEMS AND TENSIONS IN THE INDIAN FEDERAL SYSTEM

India's federal structure was conceived and planned in a unitary political environment, it was directed towards a powerful centre. And it was this unitary political power structure that primarily set the tune of India's cooperative federalism.[1] As the very first article of our Constitution states "India that is Bharat, shall be a Union of States." The reason was clear as Ambedkar explained though India was to be a federation, the federation was not the result of an agreement by the States to join a federation, and the federation, not being the result of an agreement, no state would have the right to secede from it. But this does not mean total annihilation of the state autonomy it merely implies 'centre-dominated' cooperative federal system which seeks to harmonise and balance the interests of national and regional particularisms.[2]

[1] Over the last two decades from time to time there have been demands for restructuring Centre State relations, the underlying intention being to lift the

States from the present position of excessive
dependence and subordination to give them larger share
of power and authority. The object of the framers of
the Constitution was to build a strong authority which
could resist disruption from strident demands of
subnational groups, but at the same time not to make
it so strong that a uniformity would prevail. The
Constitution has treaded on the thin edge of pre-
eminence of central authority for unity and integrity
of the country and provision of state autonomy to
respect cultural heterogeneity.[3] However, the events
during the freedom struggle especially the partition
of the country and the problem of integration of the
princely states into the Indian Union convinced our
Constitutionalists that the vulnerability of the
country to external aggression and internal regional
disruption throughout the Indian history were rooted
in a weak centre. The result was that Indian
diversities were, recognised but not at the cost of
keeping the country together.[4]

Because of some of our constitutional provisions
experts argue to deny the federal character of the
Indian Constitution. These are -

1. Art. 3 & 4 (It denies all territorial integrity to
    the States);

2. Art. 352, 356 & 360 (Emergency provisions);

3. Art. 256, 257 (power of Centre to give directions to the States) and

4. Art. 249, 250, 251, 252 & 253.

Professor, K.C. Whear says "what makes one doubt that the Constitution of India is strictly and fully federal are the powers of intervention in the affairs of the States given by the Constitution to the Central Government and the Parliament."[5],

However, a perusal of our historical and present circumstances rules out any other form of federalism at the time. Besides even in the U.S.A., the cradle of federalism, centralisation is becoming a common phenomena. Besides there is a State List that clearly spells out the powers and functional area of the States which is defended by the judiciary under the Constitutional provisions.

Our Constitution establishes a dual polity, a system of double government with the Union Government at the Centre and the State Government at the State level. There is a division of powers between the Union Government and the State Government with each government being supreme in its own sphere and the power of both is regulated by the Constitution. Thus

to declare Indian Constitution as unitary would not be
correct.

Each country adopts the federal formula which is
most expedient to solve its own problems. It is,
therefore, found that none of the two federal systems
are identical. "Indian federalism is sui-generis but
the federal distribution and balance of power, the
existence of States, their legislatives and
governments, and the exercise by them of district
competence in geographically defined areas within a
constitutionally allotted field are basic and
unmistakably federal facts of Indian polity - The
dynamics of Indian federalism has its man springs in
the essential cultural unity, widespread social
diversity, constitutional education, economic leverage
and the judicial and political processes. Federalism
in India is not a mere superstructural contrivance;
facets of Indian federalism and its sources go deep
down into the foundation of Indian life."[6]

DEMANDS FOR STATE AUTONOMY

From the time the constitution came into force,
till 1967, the prevelence of one party dominance in
the Indian political set-up for so many years had
concealed centre state tensions to a large extent as
Congress had large majorities in 3/4 of the States.

This is not to say that there were no inter-state disputes or conflicts, but they were usually resolved within the framework of the predominant party and were treated as party problems. Many issues were thus taken up in the party forum. The need of resorting to constitutional processes and legal remedies to resolve state conflicts was not felt to that extent. The federal system thus grew into a much more centralised system than that envisaged in our constitution.

Another reason was, the Indian party system evolved from an identifiable political "centre" that emerged in the country in the decades before independence. The institutional expression of this centre was the Indian National Congress, crystallized through its nation wide organization and identifiable in terms of its elite. The majority of Indian parties as a result evolved from this 'political centre' and were initiated into politics under the aegies of the Congress Party. These parties had more or less functioned, till 1967, as pressure groups within the system. They shared the Congress legacy of a centralized high command and a national outlook of decision making. The 1967 elections arrived as a watershed in this system of functioning. It saw the establishment of non-Congress governments in more than half of the States and the strength of Congress was

also considerably weakened at the Centre.

With political diversification and emergence of multiple power centres in the states with opposition parties sharing political power, the federal conflicts acquired the shape of inter-party conflicts. There was a visible shift from the politics of consensus to the politics of confrontation.[7] This was seen in the increasing imposition of Presidents' rule in many non-Congress States in the period 1960s-70s. A major reason was also the fact that the central governments attitude towards the non-Congress states was also influenced by the demands within the Congress party to use its power to rehabilitate the party in the States where it had lost ground and opposition governments had thin majorities. The same had been the case with the Janata Party in 1977. The 1977 elections in which the Janata Party defeated the Congress were Parliamentary elections only. They did not affect the standing of the State assemblies whose terms of office were not synchronised with the Parliament. However, the Janata Government pressed the view that the Congress government's legally dubious actions under the emergency and more important, Janata's sweeping victories in nine northern States compromised the legitimacy of the Congress Government in these States. In 1980 when the Congress swept back into power it

used the same precedent and did the same. These two actions taken together reflect at its worse the inter-party rivalry and scant regard for federal norms.[8]

By 1970s regional parties had made a permanent niche in the Indian political system as they identified more closely with the people and were in direct contact with them. This was mainly the result of sub-nationalist cross currents where the people felt that their cultural and social identity was being smothered by an overbearing centre. Since then a fundamental feature of Indian party system has been the greater competitiveness of the regional parties like the DMK, SAD, TDP, AGP etc.[9]

The rise of viable regional parties following the repeated rejection of the Congress (I) emphasised as nothing the artificial consensus of the 1950s-60s. The conflicts have been more political than legal. They have been conflicts of political ideologies, issues and approaches and prespective as perceived by different state government and political parties.

The issue of state autonomy was raised on a systematic basis by the DMK government when it appointed the Rajamannar Committee. Since then the issue has been raised in all non-Congress states foras

and in all governmental foras as well. The Bengal memorandum, the Kashmir Conclave, the Sourthern Chief Ministers Conference in 1984.

In the 1980s two distinctive types of perceptions seemed to have emerged. The Congress dominated centre denouncing every demand or suggestion for state autonomy as anti-centre or even anti-national. On the other hand, the States which have emerged as champions of regional identities, as perceiving the centre for not doing all that it can for them for political reasons and reducing the states to aquiesing satellites.

These states have been demanding limitations on central powers and more resources to fulfil their aspirations. For them curbing central power in certain areas is not necessarily tantamount to hurting the interests of national unity and integrity. They further allege that the party in power has indulged in making intimidating postures even though they may enjoy the required majority.[10]

Lately there have emerged some serious disputes between the various state governments and the union government. The broad nature of dissatisfactions that have arisen and persist on the part of the states are

1. The role of the Governor –

   The States complain that the institution has been thoroughly politicised with the appointment of governors who are henchmen of the party in power at the Centre. As such they play a partisan role in –

   a) appointing and dismissing state ministries;

   b) Reservation of bills under art.200 & 201;

   c) Recommendations for the introduction of the President's rule under art. 356.

   They have ceased to be neutral upholders of the Constitution.

2. Discriminatory attitude of the centre towards states in financial devolution in general and loans and grants-in-aid in particular.

3. The role of Planning Commission –

   The states complain that the Planning Commission has become a supra-national body and the role of a more participative National Development Council has been reduced to a mere appendage of the Planning Commission which is not even a formal structure in the federal scheme.

4. The prerogative of the Rajya Sabha to create new All-India Services, control of union government over the appointment posting and removal of officials has been viewed as an impairment to state autonomy.

5. The use of para-military forces within the states 'suo-moto' has been a major contention as has been their control in the hands of the union government even when they are deployed and supposed to be functioning under the directives of the state governments.

6. The various powers of the centre to give directives to states and imposition of Art. 356 for non-compliances have been questioned especially which have not been in the interest of the ruling party in the state.

7. Socio-cultural and regional pressures of state politics.'

The issues generate not only inter-governmental tensions on one hand but also engender a sense of insecurity in some of the regional ruling parties who have adopted even narrower regional platforms to

counter the central onslaught. They demand that excepting defence, foreign affairs and currency all other subjects should be transferred to the states. '

' The matters reached a head in 1983 and the central government in order to force down the tone of politics of confrontationism which threatened to destablise the nation appointed the Sarkaria Commission to go into the issue of Centre-State relations in the same year.

Sarkaria Commission's basic aim was to probe into the issues involved and 'why' and 'how the ideal of cooperative federalism and consensus in areas of common interest as envisaged in the constitution could be brought about.

"The report revealed two vital features of the issue - one that the controversy is not between the union on one side and the states on the other as the states have no unified stand on many issues, and the other, that acute problems arise more from political differences than administrative difficulties."[11] '

The views of the various state governments reflect the views of the parties ruling those states.[12] All regional parties have taken a stand in favour of more state autonomy. The DMK and the CPM have urged for

greater state autonomy resenting the gradual expansion of central control over the states and have demanded a thorough re-examination of centre-state relations.

The Congress (I) was the only party that advocated that the power of the centre should not be diluted in any manner whatsoever in the foreseeable future and on the contrary, any further power to the centre to ensure its effectiveness should be provided. Similar have been the views of Congress rules states like the Governments of U.P., Manipur, Bihar, Rajasthan etc.

"Sarkaria Commission's recommendation has relied on the efficacy of promoting goodwill and understanding, while supporting centralised policies. It is based on the premise that existing constitutional principles and arrangements are sound and what is needed is to build a mechanism to ensure a system of collective decision."[13]

It has made a total of 265 recommendations classified subject wise under twenty areas viz. legislative relations, administrative relations, role of Governor, reservation of Bills by Governor for President's consideration and promulgation of ordinances, emergency provisions, deployment of union armed forces for public order duties, All India

Services, Inter-governmental Council, financial
relations, economic and social planning, industries,
mines and minerals, agriculture, forests, food and
civil supplies, inter-state river water disputes,
trade, commerce and inter-course within the territory
of India, mass-media miscellaneous matters - language,
union territories, high court judges and general
observations. It has asserted that '...... it is
neither advisable nor necessary to make any drastic
changes in the basic character of the constitution.'[14]
But it does not mean that it has approved of the way
the centre has behaved towards the states. On the
contrary, it has criticized some of the actions of the
central government and suggested certain amendments
like creation of Inter-state Council, making NDC more
effective by restoring it to its constitutional pre-
eminence, transfer of certain taxes to the states etc.[7]

It believes that in the present political context
in which many state governments are led by opposition
parties cooperation may be even more difficult to come
by. It is very important that healthy conventions be
built as it is not possible to have everything legally
put down in the constitution. Also, a national
consensus on goals of society and objectives of
development is a pre-requisite of national
cooperation. And for this formal constitutional

provisions have to be given due importance in the kind of political situation that exists today.[15]

A brief outline of some of its important recommendations are -

A) **Consultation** :

1. Whenever the Union proposes to undertake legislation with respect to a matter in the Concurrent List, there should be prior consultations not only with the state governments individually, but also collectively.

2. For better interaction it suggests the establishment of the Inter-state Council and activation of the zonal councils.

3. Before the union government deploys its armed and other forces in a state in aid of civil power otherwise than on request from the state government or declares an area within a state as 'disturbed', it is desirable that the state government should be consulted, wherever feasible and its cooperation sought.

4. The step taken by the union government to initiate a process of consultation with the States in

finalising the terms of reference of the finance commission is in the right direction. It is desirable that this healthy practice of informal consultation with the states should continue.

5. A specific rule may be introduced that the state governments should be consulted in the selection of non-official members and Chairman of the Programme Advisory Committee of the AIR and Doordarshan in the States.

6. Close and fullest involvement of the states at all stages of plan formulation is very essential for the successful implementation of the same.

B) **Conventions** -

These are basically required in connection with the office of the Governor :

1. Governor's should not on demitting his office, be eligible for any other appointment or office of profit under the union or the state government.

2. As a matter of salutary convention Bills reserved for Presidential assent should be disposed of within 4 months.

3. The President should not withhold assent on the

consideration of policy differences on matters in the State List except on grounds of patent unconstitutionality.

4. Suitable conventions should be evolved int he matter of dealing with an ordinance to be repromulgated by the Governor and which is received by the President.

5. Art. 356 should be used very sparingly in extreme cases as a measure of last resort when all available alternatives fail.

C) **Review** -

1. An overall comprehensive review of the NDC should be made and it should be renamed NEDC. (National Economic and Development Council).

2. There is need for reviewing those cases as declared 'closed' under the forest conservation Act.

3. A biannual review of pending cases under the forest conservation act should be carrried out in consultation with each state government concerned.

4. Review of royalty rates on minerals, petroleum,

and natural gas should be made every two years and well in time as and when they fall due.

D) **Committees** -

1. An expert committee with representatives from the states may be appointed by the union government to recommend reforms in taxation and inter alia consider the potential for resource mobilization by the union and the states.

2. NDC should be renamed NEDC by Presential order. It should be made to function more effectively and emerge as the highest political level inter-governmental body for giving direction and thrust to planned development of the country.

3. In order to coordinate the fiscal policies a sub-committee should be constituted under the NEDC with union and state finance secretaries.

4. An expert committee should also be constituted to enquire into and review from time to time in consultation with the States the operational feasibility of the scope for levying taxes and duties under Art 269.

E) **Amendments** -

1. In order to ensure effective consultation with the state Chief Ministers in the selection of a person to be appointed as Governor, the procedure of consultation should be prescribed in the constitution itself by suitably amending art. 155.

2. Residuary powers of legislation in regards to taxation matters should continue to remain exclusively in the competence of the Parliament while the residuary field other than that of taxation should be placed in the concurrent list.

3. Safeguards should be incorporated in Art 356 to enable Parliament to review continuance in force of a proclaimation.

4. Inter-state River Water Disputes Act may be amended to make it mandatory on the union-government to constitute a tribunal within one year of receipt of an application from a state and should be amended to empower the union government to appoint a tribunal when it is satisfied that a case exists, to require states to furnish necessary data to the tribunal, to make the award of the tribunal effective within 5 years to give the award of the tribunal the same sanction and force as that of a decree of a Supreme Court.

'The recommendations taken 'in toto' will help contralize policies and programmes to a great extent and decentralize the implementation under centralized instructions. The commission has also emphasised the decentralization of power below the state level. The principle theme is thus the need for union supremacy, greater autonomy to the states in functional areas is the thrust of the Sarkaria recommendation. '

The terms of reference opened the review and examination to a vast area of inter-governmental transactions. As a result, while the examination has brought to light numerous areas of differences between governments, the need to improve existing relations within the ambit of the constitution through cooperative effort was also stressed.

This dissertation seeks to study inter-governmental relations in functional areas within the context of changing political equations and party patterns. With the rise of many non-congress states since 1977, the states have become much more aggressive in questionning the dominance of the centre. Political diversifaction and emergence of multiple power centres at the state level the erstwhile cordial relations in federal system has been severely strained. The dissertation is divided into

two parts.

Part I is divided into two chapters and gives an overview of the current inter-state tensions that have generated confrontation between the centre and the state governments within the changing electoral configuration in the present political system. Chapter I gives a general picture, an overview of federal relations while Chapter II titled "Changing Party Configurations in the Indian federal system (1977-1989)" provides the electoral context within which the various issues have been studied. It deals with the demolition of the 'one party dominant' congress monolith and the rise of multiplicity of parties which have emerged in the form of entrenched regional parties at the state level. They have already made congress a secondary force in Tamil Nadu, Andhra Pradesh, J&K, West Bengal and Assam and vie with the congress in a two-party system at the state level for electing Members to the Parliament as well as to the Vidhan Sabha. They also form governments in a number of states today, thus directly involved in the conflicts that occur in the inter-governmental relations.

Part II deals with the subjects of the deployment of Paramilitary forces in the states 'in aid of civil

power' and their suo-moto deployment for the above in Chapter III. The Chapter explores the issues of -

(i) when does 'Maintenance of law and order' (a state subject) becomes a matter of 'Internal Security' and 'public order' (union and concurrent subjects).

(ii)   What should be the guide lines regarding the suo-moto deployment of the para-military forces.

These issues have been highly debated with West Bengal and Kerala governments insisting that suo-moto deployment is in contravention of the spirit of the constitution and other states insisting on proper guidelines being laid down regarding suo-moto deployment.

Though the issue is for most parts settled in a peaceful manner in the spirit of mutual dependence, yet clarity regarding as to when suo-moto deployment can be called forth would improve the relations further.

Chapter IV in Part II deals with 'environment ection' another subject where jurisdictional

disputes have made the subject a victim. The chapter titled "An integrated environmental policy in present federal context" calls forth for an integrated approach to solving environment related problems. There is no subject as 'environment' in any of the lists but subjects related to environment can be found in all the three lists of the seventh schedule i.e. the Union List, the State List and the Concurrent List. Under the constitution while minerals and mining, Industry, etc. come under List I, Agriculture, Industries (except those in List I), social forestry etc. come in List II and yet others in List III e.g. Forests and Wildlife.

Over the last few years controversy has arisen between various central and state environmental Acts namely the various Vehicle's Acts, Forest Act 1980, Water Act 1974 and Air Act 1981 etc. Most states have their own acts in the matters mentioned above. Since such acts are old they do not conform to present standards and are sometimes deliberately so in order to attract industry. There are over 200 environment related legislation between the Centre and the State yet our environment is one of the most degraded. These acts not only overlap, but an act of one state may positively harm the environment of a neighbouring state. The chapter explores the various aspects of

the issue in view of the urgent need that has arisen today regarding a cohesive environmental policy if we are to develop as a nation healthily. And for that it is very necessary to have inter-governmental cooperation regarding afforestation, upgradation of our degraded natural and forest resources. The cooperation of the states in the endeavour is a must if we are to succeed as they are the actual implementors in the last resort.

'The study concludes with the suggestion that if our system has to function effectively, cooperative practices and relations have to be developed via the various inter-governmental agencies without which our system would be unable to bear the enormous strain that is being inflicted upon it at the present. And that the Constitutional framework need not be altered much to achieve the above. What is required is mutual good will and respect for each other by the various governments. '

FOOTNOTES AND REFERENCES

1. KOTHARI, Rajni, Democratic Polity and social change in India : Crisis and opportunities (New Delhi allied publishers, 1976) p. 14.

2. GEHLOT, N.S., Indian federalism and the problem of law and order - Indian Journal of Constitutional & Parliamentary Studies, Vol. XIV, April-June, 1981, p.166.

3. MATHUR, Kuldeep, Centre-state relationship - Political and general in R.C. Dutt. ed. Centralism and Devolution of Power (New Delhi; Lancer Press 1990) p. 6.

4. Ibid; p.7.

5. WHEARE, K.C., Federal governments, 2 (1967) cited from Chandra Pal's State Autonomy in Indian Federation.

6. SINGHVI, L.M., Preface to Union State relations in India (New Delhi, ICPS, 1969) p.4.

7. DAS, Harihara & CHOUDHARY, B.C., Federal and State Politics in India (New Delhi, Discovery Publishing House, 1989) p. 15.

8.   RUDOLPH, Llyod, & RUDOLPH, Susanne, In pursuit
       of Laxmi (Chicago, University of Chicago Press,
       1985). pp.99-100.

9.   CHELUVA, Raju, K.H.., Indian Federalism and the
       integrity of the nation - Indian Journal of
       Political Science, Vol. 49, Jan-March, 1988
       pp6-7.

10.   CHATTERJEE, Rekhahari, "Federalism and the
       party system : Congress centralization." ed.
       T.C. Bose, Indian Federalism (Calcutta, K.P.
       Bagchi & Co., 1986) p. 172.

11.   SARASWATHI, M.S., "Sarkaria Commission : Union
       state-reations in India." - Indian Journal of
       Political Science, Vol. 50, April-June, 1989,
       pp.196-198.

12.   Government of India, Home Affairs (Ministry of)
       Report on Centre-state relations (1988) Vol. II
       (Chairman R.S. Sarkaria) p.

13.   SARASWATHI, M.S., op.cit. pp. 199-200.

14.   Sarkaria Report, op.cit. (21.4.01).

15.   MATHUR, Kuldeep, op.cit. p. 11.

16.   Sarkaria Report, op.cit. p.

17.   MATHEW, K. Kurian & VERGESE, P.N. ed. Centre-state relations (Delhi, Mcmillan 1981) p.52.

CHAPTER - II

CHANGING PARTY CONFIGURATIONS IN THE INDIAN

FEDERAL SYSTEM (1977-1989)

1.   **INTRODUCTION**

Since independence we have been having a one party dominant system with Congress in power from 1952-77 and from 1980-89 at the Centre and in majority of the States. But "the familiar thesis of one party dominance is subject to all kinds of reservations and qualifications. It has concealed important trends and nuances in the Indian political system. Over the past 40 years and more, India has emerged neither as a one party system, nor a two party system or a multiparty system. Many parties exist at the regional and State levels within the framework of one party dominance."[1] Opposition parties have proliferated in India but till 1977 they had no sucess at the national level and a little more at the State level till recently when a more uncertain picture has emerged at the State level in India. Tensions resulting from modernization and increased popular participation has aroused unprecedented factionalism in Congress run States and brought many opposition parties to power, increasing conflict between the Central and the State Governments."[2]

This part deals with the changes in partypattern

and has its root in the belief that in the study of the nine general elections and over 250 assembly polls, there are patterns to be found that can explain the present party system as it exists in India.

For the first two decades in most of the States and most of the time state leaders enjoyed considerable autonomy in State affairs within the one Party dominant system. However, the Congress majority at the centre was severely reduced in 1967; at the State level, six non-congress Governments came to power and the Congress was forced to enter shabby coalitions in four more. "Here was a turning point in Indian State politics. One party dominance in its original form was gone."[3] Non-congress politicians for the first time began to taste the fruits of weilding ministerial power. Further more the Congress split in 1969 and the come back of Mrs. Gandhi's Congress (R) in 1971 shook the political system of each State to its foundations as State party factions sought desperately to ascertain or to influence which Congress would continue in power as most of the Congress organisation remained with Congress (O).

Meanwhile in an unprecedented step just before the 1977 elections, four national parties the BLD, the BJS, Congress (O) and S.P. merged informally to

form the Janata Party. They also had electoral under-
standings with other parties like the SAD and CPM. This
meant that for the first time the opposition to the
Congress party was almost wholly united. Indian
democracy was never so close to a two party system as it
was at the 1977 election. However, the next few years
witnessed a complete change with the splits in Janata
and the Congress and the emergence of a multiplicity of
parties by 1980-81. But this period and after it the
situation was very different from 1977, where 'State
Parties.'[4] had emerged strongly, as in A.P. where TDP
swept the polls, or where the opposition had organized
itself into a local coalition agreement, as in Kerala.

The opposition parties received a major impetus
for cohesion when V.P. Singh was expelled from Congress
(I) and subsequently. formed the Janata Dal - LD(A) &
LD(B), Jan Morcha, formed the National Front that
successfully defeated the Congress (I) in the 9th
General election and was successful in forming
governments in the Hindu heartland but in south faced
a similar rejection as the Congress (I) in the
North. It has subsequently lost power due to the
withdrawal of support by BJP but that is outside the
perview of the chapter as it covers the period from 1977
General Elections to the 1989 General. Elections. The

basic aim of this chapter is thus to trace patterns of change in the existing party system, and its effect on the political system especially at the level of State politics and federal relations for it indicates a socio-political struggle between "those regions and classes experiencing more rapid change. conflict occurs along social fault lines between groups in competition for the scarce goods of prosperity and power. It occurs most sharply between those groups who are rising and those who feel themselves threatened."[5]

In face of these complexities it is extremely difficult to determine whether the changes in voting behaviour indicate fragmentation are to be seen as a healthy, proof that democratic change is taking hold.

2. THE JANATA PHASE : POLITICS OF COALITIONS

In May 1977 the Congress (O), the Bharatiya Lok Dal (BLD), the Socialist Party (SP) and a few independents belonging to the Congress merged to form the Janata Party. The supporters of Janata Party described the formation as a great step towards the emergence of "two party systems" in India which was essential for the smooth functioning of democracy in the country.

The pre-emergency response of the political parties was luke-warm. The resounding electoral victory of the Congress (I) party in 1971 & in 1972 assembly polls had seriously damaged the strategy of united fronts, the unity of opposition parties and they publicly opposed the earlier experiment of unity or alliances of parties. However, the JP movement in Gujarat and Bihar attracted the attention of the opposition political parties for gaining support among the dissatisfied masses, and in this process, extended their areas of influence. The most active participant in it was the BJS. The BJS wanted consolidation of all nationalist and democratic forces in the form of a united opposition front. However, the BLD and the Jana Sangha expressed serious differences over merger of all parties into Janata Party. BLD was very much against the idea of a loose federation as proposed by the BJS. The proclaimation of emergency opened a new chapter in party politics in India, and the Janata Party was formed when elections were announced in 1977.

The announcement led to renewed efforts for merger of parties and the four non-communist parties - Congress (O), the BJS, the BLD and the SP, agreed 'to work as one party' for the forthcoming Lok Sabha elections. It was for the first time .when a concerted

effort was made to provide an alternative to the Congress. It was also an desperate effort to boost the representative nature of Indian democracy."[6] The success or failure of the Janata in the elections would decide the future of representative democracy and the party system which had been frozen and fragmented."[7]

2.(i) FUNCTIONING OF THE PARTY-LOK SABHA ELECTIONS:

The Janata Party worked on the basis of alliances and coalitions for contesting the Lok Sabha elections. It contested 394 seats and left 52 seats for its ally Congress for Democracy & 134 seats for its electoral allies like the DMK, CPM and Akali-Dal. A break up of distribution of seats among the Janata and its electoral allies would reveal that the Janata party contested more seats on its own in these states where its four constituent groups enjoyed sufficient political support. In the northern States, it was the RSS workers and the BLD activist. In Karnataka and Gujarat, the party depended on the Congress (O) and in West Bengal, Kerala and Punjab where it had little organisation the Janata opted to contest the minimum seats and its allies were major contestants. "The State wise break up of seats clearly emphasised that J.P. was no national party but a coalition composed of various constituents which though claiming to be national parties had very limited

regional influence."[8] It also emphasised the emergence and strengthening of regional parties like the SAD in Punjab and DMK in Tamil Nadu with CPM dominating West Bengal and Kerala.

In the Polls it came out with a 2/3 majority and 298 seats. (Table 1.10) The 1977 elections saw for the first time a clear cut divide between the north and the south, which rendered the J.P. and the Congress more of regional parties than national parties having an all India spread. The JP's victory in the north was spectacular. In 239 constituencies in northern States the Congress won only 2 seats. In the south however, the process was reversed and the JP could win only about 27 seats. Within the Janata Party BJS won 90 seats, BLD won 68 and S.P. 51. The Congress (O), CFD and other ex-Congressman won about 89. Thus it emerged more as a coalition of unequal groups and a struggle ensued between its major factions to control the apparatus of party and the roots of dissent were laid down.

A major challenge to the leadership of the Janata Party came from the nature of its electoral victory in the Lok Sabha elections. The party won the elections without establishing a national base for its operations. The southern States of India did not return JP, the State governments were still controlled by the Congress (I)

government & the JP had still to spread itself in the various States of India. "A strong party required the capturing of political power by the party in the States. It wanted to penetrate into the States with help of its power at the national level and at the same time had to sustain its power at the centre by controlling State governments.[9]Therefore, the Janata Party in a swift action dissolved eleven State assemblies in April, 1977 and announced assembly polls in June 1977.

The strategy evolved by the Janata Party assumed that all constituent groups had actually merged, and everyone was committed to the creation of a strong national viable party for the Congress (I). But it was forgotten that J.P. had witnessed serious differences of opinion between its constituents on the election of the party leader. The decision to hold election just one month after the Lok Sabha polls further accentuated intra-party and inter-group competition and conflict in the Janata, where its constituents were locked in a struggle to establish their hegemony within the party and at the State level. The reasons were very apparent and basic. The party's spectacular electoral victory in March, and an expectation of its repeat performance in June prompted leaders of various groups to strengthen their hold over the party apparatus and all realised

that their strength lay in the number of supporters they had in the State legislatures. The State assembly - elections were crucial for consolidation of strength of various groups and leaders in the party, and the various groups in the party struggled to promote their interests openly.

The first phase from 1977-78 saw the combining of BLD & BJS in northern India which proved formidable and they formed governments in seven States. BLD in U.P., Haryana, Bihar and Orissa and BJS in Rajasthan, M.P., and Himachal Pradesh, with others becoming secondary players due to their minority seats in the Lok Sabha as well as in the assemblies of the various States. These divergent pulls set the tone for the actual functioning of the J.P. By the end of 1978 however the BLD and Jan Sangha became competitors as both wanted to grab the party apparatus. As a result a new alliance of Congress (O), young truks, CFD and SP emerged. Morarji due to his position of strength forced Charan Singh to resign from the Cabinet. It was also a part of leadership struggle between the two for the post of the P.M. The Jan Sangha too was not very enthusiastic about BLD leader being re-inducted as party President or P.M. though it wanted Charan Singh to be in the cabinet. Thus due to BLD ambitions there developed a cleavage BLD & BJS which started aligning with the others.

The conflict between the BLD and the BJS became more intense and manifest at the State level. In March 1979 Ram-Naresh Yadav the UP Chief Minister, a staunch supporter of BLD was replaced by Banarsi Das as Chief Minister of U.P. The first action taken by Charan Singh after his entry into the cabinet was to ask his supporters to take a tough stand against the BJS. In this trial of strength the CFD supported the BLD and Banarsi Das had to quit in favour of Naresh Yadav and BJS tasted defeat. However, BLD was not so successful in Bihar and Haryana, their Chief Ministers had to resign. These maneouvers showed the crystallisation of a new alliance where the BLD was isolated from the rest. In 1979 July the Janata Party split formally and elections were held in January 1980. At the State level the split saw a highly fragmented picture with BJS governments in Rajasthan, M.P. & H.P., BLD governments in U.P., Bihar, Maharastra the four southern States had Congress Govt. and Gujarat a coalition headed by Congress (0). Regional parties like SAD in Punjab and DMK in Tamil Nadu made their mark for the first time and could make solid achievements.

2.(ii) THE JANATA PARTY : THE MYTH OF MERGER

A political party having no grass root base could not have sustained itself politically for a long period.

Janata Party lacked this very vital sustaining factor. Despite the formal merger in May 1977 the four major constituents of the Janata Party had retained their distinctive grass root level organizational identities. The harrowing experiences of the leaders of the four groups during emergency had forced them to sink their differences. "Had there been no emergency there would have been no Janata Party. At least in its present form one doubts very much whether any of these leaders including Desai would have agreed for the merger had it not been a do or die struggle, for them in the wake of Lok Sabha elections."[10] "It was the growing frustration in the rank and file of the fructured opposition over a period of thirty year and Mrs. Gandhi's unprecedented action of claiming an internal emergency .... that created a situation in which the fragmented opposition had no choice but to come together."[11] It was thus very clear from the very beginning that though they had formally merged, yet each group was seeking its own interest which was finally exposed when the Janata split in 1979.

3.   **THE RETURN OF ONE PARTY DOMINANCE**

3.(i)   **ELECTIONS OF 1980**

The re-election of Indira Gandhi as India's P.M. in the Parliamentary elections of Janaury 1980,

following her massive defeat in 1977 meant much more than electoral swings often experienced by democratic countries. It raised two very important questions. First, did the breaking of the Janata Party mean a weak opposition unable to exercise any restraint upon a Government that might be tempted once again to extend its authority. Secondly, whether India would have paradoxically, a stable Government or not. "For the Congress that had come to power was not that of previous times. It was split, was organisationally weak and the electoral victory was primarily Mrs. Gandhi's rather than the Party's."[12]

In the elections Congress (I) won 351 out of 525 seats. (Table 1.11) Lok Dal came in second with 41 seats, CPM third with 36 seats and Janata Party trailed with only 31 seats, an enormous decline from its Parliamentary majority of 298 seats in 1977.

In popular votes however the Congress (I) victory was less impressive. It won 351 seats on just 42.7% votes as compared to 298 won by Janata with 43.7% of votes. The massive seat increase of the Congress was a result not only of the 8.2% swing towards itself but more due to the disintegration of the Janata Party. The only other party in the opposition which registered an

increase in the number of the vote percentage was the CPM which won 6% of the votes in 1980 as against 4.3%, in 1977, but this increase was confined almost entirely to the States of West Bengal and Tripura.

The performance of each of the parties varied of course from State to State (See Table 1.14). Yet perhaps the most striking feature of the 1980 election was that it confirmed a pattern established in earlier elections. Once again their were 'national' voting shifts. These national patterns are expressed in the swings to and from the Congress Party in each of the States. Of the fourteen major States (each with 10 or more parliamentary seats), Congress increased its share of the popular vote in eleven in 1980 (These states had 436 seats). In 1977, when the national vote turned against Congress, the Congress vote decline in ten out of these fourteen. A comparison of State by State of the voting shifts for Congress from 1967 to 1971, from 1971-1977 and again from 1977-1980 shows how geographically widespread the national swings have been (see figure 1 & 2). In fact in 1980 only three major States did not increase their vote for the Congress, A.P., Karnataka and Kerala - but in each of these the combined vote of Congress (I) and Congress (U), which had split from it, were well above the 1977 Congress vote.

In 1977 swing against the Congress only five States had resisted the national trend - A.P., Gujarat, Kerala, Tamil Nadu, and West Bengal. And if we go back to 1971 elections, (when Congress (I) registered a Positive swing) there were only four States where the Congress vote did not go up, Gujarat, Kerala, Tamil Nadu and West Bengal. A look at the vote for the Janata Party in its various guises also confirms the view that there are national swings. Janata won 43.2% of the national vote in 1977, well above what its constituent parties won in 1971 (27.7%). The swing towards Janata took place in every major State except Tamil Nadu. Even in the two large southern States where Janata lost, Andhra and Karnataka, there had been a considerable swing towards it. The same tendency held in 1980 when the combined vote for Janata & Lok Dal declined to 28.3%, the decline took place in every Indian State without exception.

3.(ii) INDIA'S ELECTORAL GEOGRAPHY[12]

It is customary in Indian electoral analysis to divide India into 4 major geographic regions, but a deeper analysis would show that these regions do not form electorally cohesive units. But if we compare which states do and States which do not conform to the national voting pattern we arrive at quite a different

geographical grouping (see figure 1 & 2). From this point of view India can be divided into two distinct groups. In all the States in **group I**, the Congress Party vote increased from 1967 to 1971, dropped in 1977 then rose again in 1980, following the national pattern. These States largely determined the election outcome, and their electorates consistently shifted along parallel lines and appeared to be influenced by similar forces. They include - Karnataka, Maharashtra, Punjab, H.P., Orissa, Delhi, Madhya Pradesh, Rajasthan, Bihar, U.P., Haryana, and Jammu & Kashmir.

Group II has not conformed to the national pattern even since 1967. In all but one State (A.P) the vote for Congress Party declined from 1967-1971, while it increased in all of these States in the 1977 elections. The picture was more veriegated in the 1980 elections, with vote for Congress delining in Tripura, Manipur, Kerala and A.P. but following the national pattern in Gujarat, West Bengal and Tamil Nadu - accordingly to this division thirteen States in India, with 67% of the population, set the national electoral trend, while seven other States, with 32% of the population, have electoral shifts that more often run counter the national trend. The group II States are all geographically far from India's centre. The five larger

States - West Bengal, A.P., Tamil Nadu, Kerala and Gujarat are all littoral States. It does not imply that these States are anti-Congress indeed A.P. and Gujarat are more pro-Congress than many other heartland States, our distinction is only that whereas, the heartland States tend to swing together from one election to another these peripheral States experience electoral shifts that are counter to the national results. (Fig.1 & 2).

3.(iii) THE ASSEMBLY POLL - 1982-83

Despite its thumping two third's majority in the Parliamentary elections Congress (I) fared very poorly in the assembly elections in 1982-83. Though it formed a majority government in eight of the ten States that went to the polls in 1980, Tamil Nadu and Kerala went to Regional parties, the AIADMK and the left Democratic Front (It is a regional party for all practical purposes). Jammu & Kashmir were already under a National Conference led government with Congress (I) as a secondary partner. In 1982 out of the four States that went to the polls Congress (I) formed a government in all four but did not get a majority in any State (Table 1.4).

But the clearest break in the one party dominant

system that seemed to be emerging were the elections of 1983. (Table 1.5) with the formations of TDP government in Andhra Pradesh and Janata government in Karnataka. By 1984 out of the seven large States 5 had non-Congress government and two had coalitions with Congress clearly a minor partner. (Table 1.6).

Looming over this was a clear divergence of Congress performance separating Hindi from non Hindi speaking States in a particularly striking fashion in these elections, at the State level. This continuous decay of the Congress (I) at the assembly level has most clearly manifested itself in the 1980s. Firstly in the fact that a clear bifurcation has taken. between the results of national Parliamentary Polls and the State assembly polls. "The delinking of the Lok Sabha elections and assembly elections has added a structural determinant to long term processes differentiating national and regional politics. Despite the 1977 and 1980 national waves which have affected States assembly voting, the fact has become clearer and clearer with each election, that except under very special circumstances regional and national politics march to different drummers."[13]

This bifurcation has become well

institutionalised in seven of the seventeen large States.[14]   In four of these regional parties have stabilized themselves as durable parts of the political scheme - Shiromani Akali Dal in Punjab, DMK & AIADMK in Tamil Nadu, Telgu Desam in Adhra Pradesh and in Jammu & Kashmir the National Conference.   In other three, national parties have carved out so persistent a regional niche that they function rather like regional parties - CPM in West Bengal, Janata Party in Karnataka, LDF in Kerala.   "In a number of these States, the regional parties operate in a local two party system, with national parties.[13]

This has clearly done away with the one party dominant system.   In fact the 1980, Lok Sabha elections and 1982-83 assembly polls have seen a clear emergence of leading opposition parties, in three States even of the Hindi heartland - the BJP in Madhya Pradesh and Rajasthan, the LKD in UP, Bihar, Orissa.   The Congress (U) in Maharashtra, and Janata Party in Gujarat.   But this does not really alter the picture, it only reveals the chunks in the armour of the Congress (I) and the volatility of the present dominant system, as none of these parties secured even 20% of the total seats in a single State.   The BJP secured the largest number of seats among the opposition parties (148 seats) but its

cumulative strength was only nineteen more than that of AIADMK in Tamil Nadu (129 seats).

The above mentioned fact also corroborates the thesis that wherever viable regional parties had existed their performance was better than most national parties - AIADMK in Tamil Nadu (129/234) seats, TDP in A.P. (202 /293 seats), SAD in Punjab (39/117) seats, and CPM in Bengal (174/284 seats)[16].

Thus on the basis of aggregate votes and shifts we can fairly conclude that though the support aggregated by Congress (I) at the national level suggests considerable continuity, with Congress getting its strength from a nearly uniform distribution throughout the country unlike other national parties which were confined to certain regions, with limited and gradual change discernable only at the regional and State level; its performance in the subsequent assembly polls has consistently declined. In the Parliamentary polls of 1980 it polled 42.7% of the votes, in the 1980 assembly polls it polled only 40% in 1982-83 it polled only about 33.18% of the votes (table 1.15).

3.(iv) **CONCLUSION**

Since 1971 there has been a constant decline in

the Congress vote in the North-East and the Hindi heartland. But its overall vote aggregate at the national level has been between 42% - 45% and has varied at the State level. Regional parties have shown a consistency in Tamil Nadu, Punjab, J&K and West Bengal with support at various times being exhibited in Kerala, Orissa, Andhra Pradesh and Karnataka. "Thus although there are clear regional trends evident the fact remains that Indian political parties are generally organized into State rather than regional units. It is the State level then, that the complex cross currents of electoral politics masked by national returns begin to come into sharper focus."[14]

"In the 1980 elections Congress (I) attracted a majority in eight States and a plurality in all but four. Thus while the Congress has been able to maintain, even expand support in some States, it has shown diminishing capacity to maintain its electoral supremacy in others.[15] The severe electoral reverse suffered by the Congress (I) in 1983 State assembly elections in Andhra Pradesh and Karnataka States in which the Congress has enjoyed consistently high levels of political support - may agur for the revision of the first part of the above proposition. 'The shifting pattern of party support may also be indexed by

examining the major opposition to the Congress State by State - the Hindi speaking heartland of U.P. and Bihar has seen a decline in proportion of the voting electorate attracted by the top two parties while in the peripheral States of the North-Punjab, Rajasthan, Himachal Pradesh and Madhya Pradesh the proportion has increased i.e. greater trend towards a two party system. Similarly, this trend towards greater two party competition is found in the States of the South except Kerala where the two coalitions LDF and UDF widely cover all parties even local ones.'[16]

The decline in the proportion of the vote for the top parties where the Congress vote has declined substantially but where no single opposition party emerged to supplant it reflects a trend towards a dimunition in Congress dominance at the State level in national as well as State assembly elections.[17] While some States exhibit oscillation in the pattern of difference between the top party contenders, in most the trend has been towards a decrease in the proportion of the vote that separates the two top parties, while in other States parties have reached a juxtaposition that approximates parity.[18]

But the elections also showed that Congress (I)

was the only national party in electoral terms. There
is no State in which the Congress was not either the
first or the second party. In contrast, all other
parties were limited to a single State or region.[19]

Another factor that emerged was a fairly
polarised two party system a unique one in Tamil Nadu,
in Jammu & Kashmir, Punjab and coalition polarization in
States like Kerala and West Bengal, pointing towards the
emergence of party pluralism.[20]

4.   THE 1984 PARLIAMENTARY ELECTIONS

4.(i)   The overwhelming majority of the Congress (I)
led by Rajiv Gandhi can be classified as the most
emphatic verdict and portent of the continuation of
one party dominance. Not only did Congress (I) get
largest ever percentage of votes at 49.5% but also won
75% of the seats (409) in the Lok Sabha. It seemed as
if the elections had restored aspects of the political
universe of the 1950s and early 1960s, for a significant
aspect of post 1967-71 political universe had been its
unpredictability and volatility as seen in national
swings since 1977 and party alternatives at the Centre
and the States. But the results of assembly elections
held just a few months later emphatically denied this
verdict. "The swing away between the Lok Sabha and

State assembly polls was widest ever at 22% with greater
dispersion and diffusion of Congress votes. (See Table
1.15) and figures 3 & 4)."[21] As in 1980, though the
Congress (I) held its own in all but six States, there
was still a clear swing away from the Congress at the
assembly level. But at the national level an
unprecedent swing towards the Congress of over 7% made
all other parties insignificant at the national level.
Though one can say that it was an totally hysterical
response of the nation to the killing of Mrs. Indira
Gandhi, it was also because the opposition was literally
a divided house with no national leadership to talk of.
The Congress (I) gained in almost all States, one of the
Swing towards Congress was national, it was much more
pronounced in the northern States at 14.5%. The only
other States where the increase in the Congress votes
was above the national average were; West Bengal (12.4%)
and Madhya Pradesh (9.8%) 20.

The States where the swing was away from the
Congress (I) were A.P., Gujarat, Karnataka, Maharashtra
and Jammu and Kashmir, though it was higher than the
national average in Karnataka and Maharashtra.

Nevertheless the fall in the Congress (I) votes
in Karnataka and Maharastra the two strongholds of the

Congress, at a time when its performance was at an all time high reflects the rise of stronger regional forces even here like the PDF and the Shiv-Sena.[22] This result was more clearly reflected in the subsequent assembly polls.

In A.P. its share of votes fell by 14% and even in Kerala, Tamil Nadu where it gained in votes its average was a low 33.4% and 44.4% of the total votes cast. Thus the verdict from all South Indian States ranged, from indifference as in Karnataka to down-right rejection as in A.P. and Tamil Nadu. But despite all these facts the one fact that stands out was that as far as general elections were concerned no other party could beat the Congress (I) which gets its support uniformly from an all India spread even though in some States it has to enter into alliances with regional parties. But this dominance of the Congress does not reflect the dominance of the 1950s and 1960s. The Congress (I) has since 1980 become even more of a cogerie of the State level political groupings provided coherence by the skill and eminence of its leader. Similarly, each major party suffers from the same divisions within regions as well as between them. This has in recent times put enormous strains on the party system.[23]

Parties with alliances in one State in 1980s and especially in 1984 elections opposed one another in other States. For e.g. while the Congress (I) and Janata were in a coalition in Kerala, they had opposed one another in other States. "Such arrangements have reflected as they have contributed to intraparty conflicts within the Congress as well as parties now in opposition. These observation of 1984 elections suggest that the dominance of the Congress (I) may be maintained though by calculating coalition arrangements thus making the party dynamics much more volatile and uncertain."[+24] As national party coalitions become more fragile state party system with competing regional parties,as in Tamil Nadu or a regional party in competition with Congress, continues to become stronger and more entrenched.

4.(ii) NORTH SOUTH DIVIDE IN 1984 ELECTIONS

The clear divergence of Congress (I) performance separating North India from South India, where the impact of Mrs. Gandhi's death was minimal and regional parties were functioning equally well, saw a clear rejection of Congress (I) in A.P. and in Tamil Nadu. On the basis of the data of 1984 elections (Table 1.12) one can draw many conclusions regarding the peculiar voting behaviour of the Southern States.

First, in the Southern States at least the Congress (I)s prospects beyond the short term are clearly dependent on the condition of 'other' parties. It has lost its initiative in the South. Similar has been the case with the eastern States of West Bengal, Sikkim, Tripura and Northern States of Punjab & J&K. This is a major change. It is not inconceivable that it could re-acquire its former corporate substance, but the task may prove to be almost impossible.[25]

Secondly, the 1984 elections stand in radical contrast to the standing of Congress (I) in the South. Indeed, on assessment of the condition of the party stand the election result on its head, since the medium term prospects of the Congress (I) are best where it did worse i.e. A.P. than in other three States.[26] This clearly raises doubts about the utility of the general elections as a guide to understanding realities of Indian politicvs.

4.(iii) **THE ASSEMBLY RESULTS OF 1985**

Just like the 1984 results which had emphatically brought Congress (I) to power in the States, the State assembly polls equally emphatically denied all analyses of the re-emergence of a one party dominant system, and re-confirmed the trend that the

issue at the national level and the State level marched to different drummers. The regional pattern became even more clear with both A.P. and Karnataka returning their incumbent governments and other non Congress (I) ruled States retaining theirs. By April 1985 eight States had non-Congress (I) Governments with six being major State (out of 14). They were West Bengal, A.P., Tamil Nadu, Kerala, Karnataka and Punjab. Other States were Tripura, and Sikkim. The State of Jammu and Kashmir was led by NC-Congress (I) coalition.

The opposition parties also did reasonably well in the Hindi heartland. (Table 1.6). In the four mainline States of U.P., Bihar, M.P. & Rajasthan the strongest basis of Congress (I) the aggregate of the Party's gain showed an overall slide back even from the Congress (I) strength of 864 seats in the dissolved assemblies of these States. The swing away from the Congress (I) was emphatic and much below the national average, in Bihar (5%), in U.P. it was about the national average at (5.8%), its aggregate percentage of votes in U.P. and Bihar State combined was just about 33%. The votes that it gained were in M.P.(9.8%) and Rajasthan (6%) and only 1% in Orissa, however, due to its previously strong positions in these two States the Congress (I) was able to form governments with absolute majorities here.

The only other State where the increase in the Congress vote was much above the national average was West Bengal where there was a swing of 12.4% toward the Congress. The only State that redeemed Congress (I) was Himachal Pradesh where the Congress (I) won 55 seats as compared to 37 in the outgoing house and completely wiped out the BJP.

The same fiasco was repeated in the South. The Telgu Desam retained its 202 seats and an absolute majority. The Janata Party too remained strong in Karnataka. In the West, Mahrashtra and Gujarat supposedly stable Congress (I) bases also threw in a few surprises when PDF could win 47 seats in Maharashtra Assembly. However, the most surprising result was that of Karnataka where the Congress (I) was hoping to sweep back into power. The rise of PDF and Shiv-Sena in the Western Region reflects the rise, may be a permanent one, of stronger regional forces here. The plight of Congress (I) was complete when despite gains in Kerala and Tamil Nadu its share of votes was a pathetic 33% in Kerala and 40% in Tamil Nadu.

It had absolute majority in four States, wafer thin majority in another four and lost three States by wide margins. Thus though the overall head count of

Congress (I) of 254 seats, does establish its success, a psepho-analysis of results reveals a 29.7% loss of seats. While the result certainly did not lead to any triumphant win for any party yet it did mark a decisive shift from the Lok Sabha results. The following table gives the % of seats won by Congress (I) in 11 States :-

A)   **High Majority States**

    1. Gujarat   -   87% (on 55% votes)

    2. H.P.   -   81% (on 51% votes)

    3. M.P.   -   78% (on 44% votes)

    4. Orissa   -   80% (on 38% votes)

B)   **Low Majority States**

    1. Bihar   -   61% (on 39% votes)(

    2. U.P.   -   63% (on 43% votes)

    3. Maharashtra   -   56% (on 30% votes)

    4. Rajasthan   -   56% (on 24% votes)

    Lost Outright

    1. A.P.   -   16% (on 37% votes)

    2. Karnataka   -   29.4% (on 49% votes)

    3. Sikkim   -   31% (on 16% votes)

"The total picture emerging from the latest elections points to the dominant role that local issues

and personalities have played in the assembly polls, and not conditioned by factors which gave Congress (I) 402 seats in the Lok Sabha."[27] It does not mean any disillusionment with the Congress (I) it only reaffirms the institutionalization of the bifurcation of the elections at the national and State level and that the voter employes different criteria for different level. It thus confirms the evolution of a vibrant federal policy.[28]

Rajiv Gandhi's massive victory in the 1984 Lok Sabha elections and subsequent disappointment in 1985 assembly polls caused many observers to conclude "that in national elections, with national issues, personalities and parties take precedence over sub-national concerns. But on closer examination this can be said to have taken place only in Kerala and Karnataka. Tamil Nadu voted for Congress (I) because of MGR (as AIADMK was a Congress-I ally) and in Andhra people showed their resentment over the dismissal of the TDP Government. Similarly State level preoccupations did prove decisive in West Bengal, J&K and in several smaller States."[29]

4.(iv) REGIONAL PATTERNS

A central feature of the elections of 1977, 1980

and most emphatically 1984 has been the demise of the national party system. National parties have started to assume the appearance of regional opposition clustered around a new arrangement of support under the aegies of the Congress (I). These elections have also shown that wherever regional parties exist their performance has been better than most national parties and that despite all 'waves' they have managed to hold on and even increase their influence over the area. They thus also act as strong opposition parties to the Congress at the State level as well as at the national level in that State. Such a polarization is most clearly dicernable in Tamil Nadu, West Bengal, Kerala, Punjab and only recently in A.P. and Karnataka. Thus regionalization of the party system seems to have come to stay. In order to understand it below are given the case studies of three States - Tamil Nadu, West Bengal and Kerala in order to give a clear understanding of the emergence and subsequent performance of regional parties.

a. **TAMIL NADU**

Tamil Nadu was the first State to develop an autonomous party system on a regional platform. Successionists till the early 1960s the DMK emerged as the largest opposition party in the 1962 Lok Sabha and assembly polls with 8 seats and 5.3% votes respectively.

In the 1967 assembly polls Tamil Nadu was the only State to give a clear majority to the DMK to form the government on its own. The trend was to continue uninterupted till 1976. In the 1967 Lok Sabha elections DMK swept aside Congress (I) but supported it at the centre. It continued in power at the assembly elections and formed a majority government in alliance with the Congress (I) which clearly emerged only a secondary party. These elections for the first time shattered all myths of one party dominance and emphatically in Tamil Nadu. The Congress(I) continued to have an alliance with DMK. In 1971 Lok Sabha elections Congress (I) shared seats with the DMK and all assembly seats were left for the DMK. The alliance broke down during emergency. In 1972 the DMK split in DMK & AIADMK led by MGR. The contest in 1977 was mainly between DMK and the AIADMK. This period onwards the national parties were throughly marginalised in Tamil Nadu. The Janata Party and the Congress took sides merely as minor coalition partners. In fact right from 1967 onwards there has been an increasing marginalization of national parties specially the Congress (I) and increasing regionalization of Party pattern which was seen in 1972 when DMK and its AIADMK faction developed a two party system at the State level which continued in

1977 and also in 1980 with each coming to power alternatively. The good show put up by AIADMK in the 1974 polls made the Congress (I) gravitate towards the AIADMK in the 1977 elections. This was also because J.P. had entered into an alliance with the DMK and it was but natural that Congress (I) would enter into an alliance with the AIADMK, for the only hope of the two major national parties was to ally themselves with the two major regional parties for winning a substantial number of Parliamentary and assembly seats.

The AIADMK - Congress (I) combine won the elections despite the giant Janata wave of 1977. This was more due to the image of the AIADMK and MGR in Tamil Nadu than to any other factor. AIADMK won 18 out of 39 seats where Congress-I won 14. The combine also won in the assembly polls where AIADMK had 130 seats and Congress (I) 27 seats. The DMK was left far behind with just 48 seats.

Barely three years later in the wake of Congress (I) impressive performance in the Lok Sabha polls of 1980 the alliances were reversed yet again and Congress (I) allied itself with the DMK. It swept the polls (20 seats). The performance of the AIADMK however in the polls had been dismal with it winning

only 2 seats. In the asembly polls the trend was absolutely reversed and the Congress (I) won just 30 seats with DMK winning 38 seats and AIADMK 130. The AIADMK formed the Government. In fact between 1977-80 the electoral prospects of the Congress (I) hardly changed. In 1977 it won 27 assembly seats and in 1980, 30 out of 234. This election made clear two facts - firstly, the complete marginalization of national parties in Tamil Nadu. Secondly, the clear bifurcation of issues at the national level and the State level with the establishment of a two party system at the State level.

The AIADMK in the elections got 38.7% of the votes as compared to 25% that it received in the Lok Sabha polls.

The 1984 assembly polls again saw a change of alliance the Congress (I) entered into an electoral understanding with the AIADMK. The DMK was totally annihilated with AIADMK getting 128 seats and 36% votes and Congress (I) getting 62 seats and 28% votes. The AIADMK again formed the government in coalition with the Congress (I) though even without Congress (I) it had a clear majority. In the Lok Sabha polls it was the Congress (I) which led again and it got 24 seats

and 40.5% of the votes. With AIADMK having 12 seats. The regionalisation of the party system thus has reached a point in Tamil Nadu where there is no chance for the Congress (I) to be able to take any initiative in the State. It is not impossible but most unlikely. This fact was reinforced in 1989 assembly polls when after MGRs death President's rule was imposed in Tamil Nadu and in the assembly elections it was not AIADMK - Congress(I) combine that came to power but the DMK by winning 159 assembly seats.

The history of party pattern changes in Tamil Nadu reflect a fact that is very evident in all South Indian States that here at least the Congress (I)'s prospects are dependent on the condition of regional parties and that it has lost its initiative in the State. Secondly, a sharp polarization between two parties has already taken place on the basis of regional two party system (Table 1.17).

b.   **KERALA**

Kerala was the first State to have a non-Congress Government in power as early as 1957. It was led by CPI. Subsequently Kerala politics has been marked by coalition politics. Till 1976 after the CPI split into CPI and CPI (M) in 1964 the rivalry was

between CPM led LDF and CPI led UDF supported by Congress (I). But in 1977 a clear demarcation emerged with Congress (I) leading the UDF minus CPI and other socialist parties and the CPM led CPI and other socialist partys coalition the LDF.

In the 1977 elections the CPI led UDF with Congress as a partner secured fifteen seats, 11 being won by the Congress alone out of 20. This coupled with the declining voted of the CPI obviously led to a power struggle in the coalition as a result of which the UDF government in power fell in 1978. The coming to power of a UDF government in 1977 was itself remarkable. With the falling of the UDF government in 1978 the LDF formed the government with CPI and its break-away partners forming a part of the LDF. This saw a direct electoral conflict between the LDF - CPM + CPI + KC(M) + ML and the UDF - Congress (I) + KC (J) + Independents with Janata Party as one of the components of UDF. In the 1980 polls the LDF won 51.6% of the votes and 12 of the 20 seats and the vote for Congress (I) declined from 26.1% to 24% making Kerala the only State in which the party did significantly worse in 1980 than in 1977. Similar results followed in the Kerala assembly polls with LDF forming the Government. CPM alone had 35 seats and

Congress (I) 17, CPI and LDF partner had 17 seats in a house of 140. The LDF won 92 of the 140 seats on the whole and got 50.4% of the votes. With the formation of the LDF government it joined West Bengal and Tripura in returning a CPM - led, coalition to power and CPM became the only party in India in control of three States government at a time when Congress (I) was ruling the roost in wake of the 1980 Lok Sabha elections.

In the 1982 assembly elections Congress (I) had swept the polls by caputring 20 seats on its own and its partners caputring another 55 in the assembly elections and had formed a UDF government. In the wake of this the 1984 Lok Sabha poll came as a surprise for though the Congress (I0 won 13 seats yet its % vote at 33% was well below the national average. This fall was explained when in 1987 elections barely two years later the LDF government came back to power and formed the Government at the State level.

In fact Kerala is the only State where the coalitions have achieved such a high level of stability. However, as the scene is, "gone are the days when any individual party whether regional or national has the courage to face the electorate alone.

For the last two decades it has been combinations of parties that have been contesting the polls.[30]

Kerala has been voting Congress (I) led UDF to power when it has failed in other States and rejecting it when it has been going strong in the rest of the country and thus showing very clearly the Congress (I) is just one of the minor parties in Kerala politics. Since 1980s it has been only the CPM which has emerged as the larges single party. (Table 1.17)

c.   **WEST BENGAL**

West Bengal for the first time installed a non-Congress government in power in 1977. CPM & CPI had joined together in 1967 and then again in 1969-70 to form a united front government of all opposition parties in West Bengal but it was only in 1971 that for the first time a Communist Party i.e. the CPM vote scored 33.8% surpassing the Congress(I) vote at 29.8% while the CPI trailed with only 8.7% of the vote. As a result an unstable government which had been installed fell and elections to the State assembly were again held in 1972. The votes of both the Communist Parties declined although CPI in alliance with the Congress(I) did increase the member of its seats in the assembly.

The 1977 for the first time saw a sharp decline in not only the Lok Sabha vote % of the Congress(I) where its strength fell to just 3 seats out of 42. The CPM led LDF which joined with the JP won 23 seats. In the subsequent assembly polls in 1979 the domination of CPM led LDF was complete for the first time it formed a stable non Congress government in West Bengal. (Table 1.17).

In the 1980 Lok Sabha elections in which CPM won 27 seats with 39.5% of the votes alone led the LDF alliance which also included the CPI, to a 37 seat victory with 53.7% of the votes. This time, however, the CPM did not enter into alliance with the Janata Party. This made the field even more polarised with a regionalised CPM in direct opposition to the Congress (I). For in 1980 CPM plus Congress(I), together had 75.9% of the votes and emerged as clear and undisputed leaders with CPM having clear edge. The fact was further borne out by the 1982 assembly polls where CPM won 174 seats and 40% of the votes. Thus since 1977 till present the CPM led LDF has been in firm command at the State level.

The State assembly polls have only furthered the dominance of the CPM (183 seats),

Thus what we see is a bifurcation of issues at the national and state level with CPM clearly enjoying a lead at the state level and tied strongly with the Congress(I) for honours at the Parliamentary polls.

Besides these States since 1982 stable non-Congress(I) alternatives have also emerged in A.P., Karnataka, Assam, Punjab, M.P. and Rajasthan. Infact today every state has had a spell of non Congress (I) government for increasingly long periods in the South, the north and the east and short spells in the Hindi heartland despite low Congress (I) voter support. It has only been in the West that Congress (I) has retained its strong hold especially Maharashtra and Gujarat.

From the trend in the 1980 a few trends become clearer. **Firstly** that despite all the cases that the Congress(I) has suffered it has been the only national party in electoral terms. There is no state, with the exception of Tamil Nadu, in which it is either the first or the second party both at the Parliamentary level as well as atthe State level. In contrast, all other parties have been limited to a single State or region.

Secondly, wherever regional parties have established themselves the Congress (I) has been unable to wrest any initiative from them, and at the State level both the Congress (I) and the opposition have essentially been organised into State units and respond to State issues and pressures.

Thirdly, unlike the 1960s the 1970s the 1980s there have been pronounced fluctuations of Congress support in the States and realignments have taken place.   In the traditionally strong States of Congress(I) support, the supporting trend commenced in 1967 in A.P in 1971 Karnataka, Maharashtra, where as the long term trends away from the Congress have commenced in the geographically peripheral States of W.B., Tamil Nadu, Kerala, J&K and even Punjab. Therefore in the Rajiv Gandhi's era, regional parties operating within the federal system appear to be as important as centrist national parties in providing leadership and policy alternatives. Put another way, the majority of the electorate that supports the opposition to the Congress will be represented by combinations of regional and national parties. At the same time, Congress (I) rule at the centre will rely on electoral alliances with regional parties and cooperation from the regional and national parties that govern many States.+*[30]

5.   **THE GENERAL ELECTIONS OF 1989 : DAWN OF COALI-
TION POLICIES**

(i)   The general elections of 1989 were a unique

phenomena when for the first time no party at the

centre even came close to the 263 seats required for a

majority.   The so called popular waves-were no where

in evidence.   The geographical polarisation that

marked the 1977, 1980 and 1984 was most dramatically

emphasised and rendered both major parties the

Congress(I) and the Janata Dal - regional in

charactered.   This while the voter was firm in his

rejection of regionalisation in A.P and Tamil Nadu.[31]

The major defeat for the Congress(I) was in the Hindi

heartland as in 1977 with the Congress(I) winning only

about 38 of the 45 seats in the region, whereas it had

won 214 in 1984.   Its percentage of vote dropped from

a high of 49.2% to an low of 39%.   It dropped about

20% in UP, 22% in Bihar, and about 21% in M.P.   The

three major States of the heartland.   Similar drops

were registered in Orissa and Rajasthan.

Equally in the south it won 105 of the 129

seatsa substantial improvement over 67 seats in 1984.

It thus remained the largest Party in the Parliament.

But as it felt that it had lost the mandate of the

people it refrained from forming a government.   The

government at the Centre was formed by the National Front - a coalition of National Parties - JD, LKD and regional parties like the TDP, the DMK, the AGP and others. Janata Dal formed a government with only 27% of the seats and 19.9% of the votes which has been the lowest ever in the Indian History, with the help of its National Front Partners.

It was only in West Bengal where the incumbent party the CPM continued to maintain its strong position. The Congress (I) suffered a 9% adverse swing which reduced its strength to less than half of its previous strength of 409. It could only get 195 seats. Of course, but for the seat adjustment the outcome would have been very different for the Congress (I) polled almost as many votes as the allied opposition (Table 1.14).

The North, South divide in these elections was totally reversed with Congress(I) drawing its main strength from the South. The Telegu Desam in A.P. and DMK in Tamil Nadu were completely routed with former managing to get only six seats and latter only two. The communists did increase their strength to 42 from 28 but it was much less than what they had expected. The dramatic rise of BJP in Rajasthan, M.P., H.P. and

Gujarat emphasised as never before the growing clout of the rightist forces. It supported the National Front Govt. at the Centre. It captured 11.7% of the votes second only to Janata Dal which captured 19.9% of the votes. The rise of BJP is most manifest in the fact that in the subsequent Legislative assembly polls it formed governments in Rajasthan, M.P. The two major heartland states and also in Himachal Pradesh where it formed a majority government. The consistent rise of the B.J.P. shows the emergence of an extremely rightist ideological party that has decisively come forth to challenge the leftist centrist ideology of all major national parties and thus may be setting a new trend.

These elections witnessed two phenomena very similar to those of 1967 - Firstly- the Congress(I) remained the dominant party in the election and the largest single party in the Parliament. Secondly - the elections saw the formation of a government of internal coalition of strong Chief Ministers presided over by the P.M."[32]

The elections also continued to manifest two common threads which have run through all elections - No party in the Lok Sabha polls has ever received a

majority of votes cast. In 1977 the Janata Party came to power with 43% of the votes and Congress (I) maximum percentage of votes has been 49% in the 1984 general elections, and it won the largest ever majority of votes and seats in the history of Indian elections. A concomitant phenomena to this has been the disproportionately large number of seats to the size of the popular votes (Table 1.19).

The bifurcation of State and national political system confirmed by the elections in the 1980 suggests the emergence of dual political means, but this does not necessarily entail confrontation and stand off between the national and State governments. But "the Congress system that held together State and national units has passed away and will now have to be replaced by new forms of cross party bargaining and accommodation. Stable Congress dominance has been supported by volatile electoral patterns. These accompany the plebicitary politics from the top that has replaced the order politics from below rooted in local and regional social solidarities."[34] Coordinating the outcome of "plebicitary politics at the Parliamentary level with the outcomes of regionally based politics at the State level will require new political corrections before the Indian electoral process can be stablised into a more coherent system with clearer party and electoral configurations."[35]

Figure 1.1 GROUP-1, STATES THAT HAVE CONSISTENTLY FOLLOWED THE NATIONAL TREND IN THE LOK-SABHA POLLS.
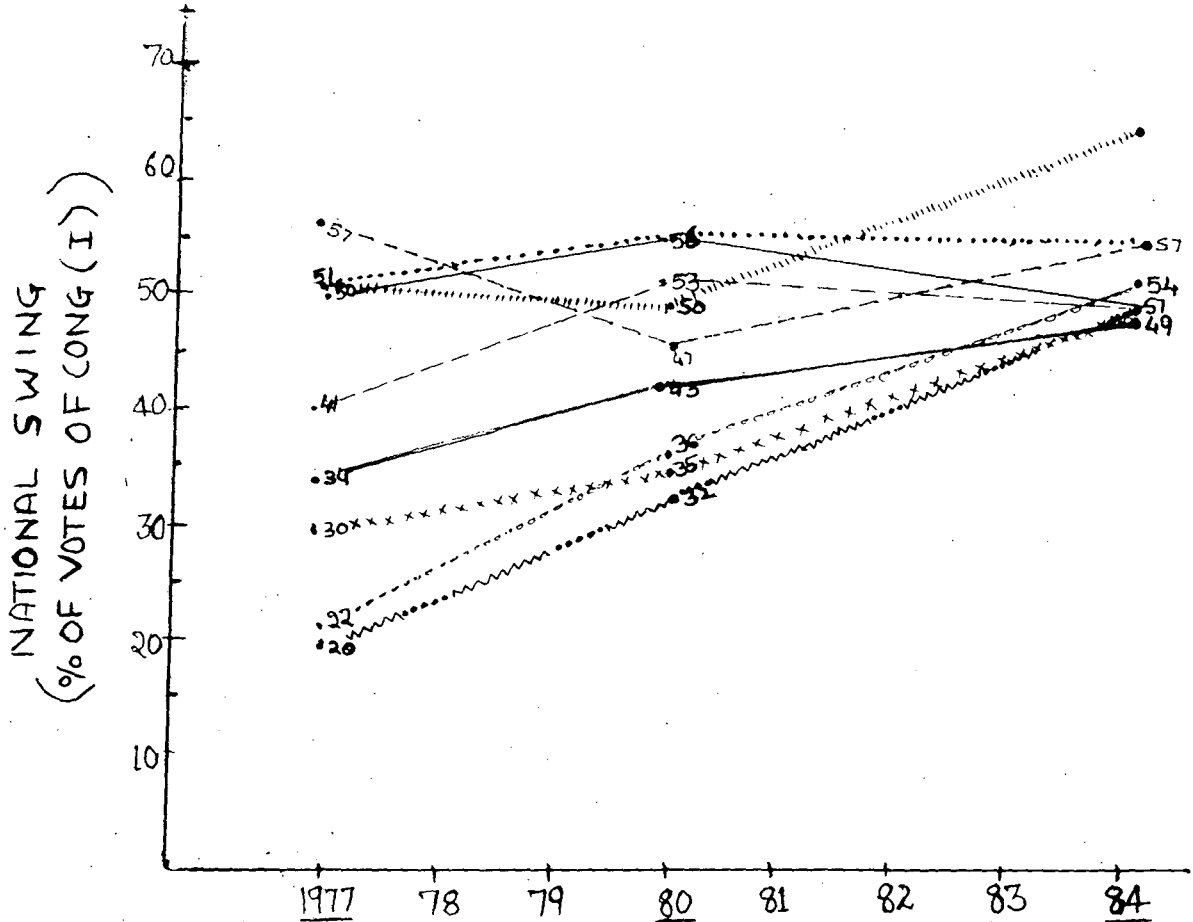
SOURCE : BASED ON THE DATA OF THE ELECTION REPORTS OF THE ELECTION COMMISSION, GOVERNMENT OF INDIA

N·B ·——————— NATIONAL TREND
    ·— — — — — — MAHARASTRA
    ·——————— KARNATAKA
    ·············· HIMACHAL PRADESH
    ·— · — · · — · · MADHYA PRADESH
    ·········· ORRISSA
    · × × × × × × × × × UTTAR PRADESH
    ·— ·· —··— ·· — BIHAR
    ·····ᴡᴡ····ᴡᴡ·· HARYANA

— 71 —

Figure 1.2   GROUP-II,   STATES   THAT   HAVE   CONSISTANTLY   NOT
FOLLOWED   THE   NATIONAL   TREND   IN   THE   LOK-SABHA
POLLS.

SOURCE :   BASED   ON   THE   DATA   OF   THE   ELECTION   REPORTS   OF
THE   ELECTION   COMMISSION,   GOVERNMENT   OF   INDIA

Figure 1.3   A   COMPARATIVE   STUDY   OF   %   SEATS   GAINED   BY
CONG (I) IN LOK-SABHA & ASSEMBLY POLLS.
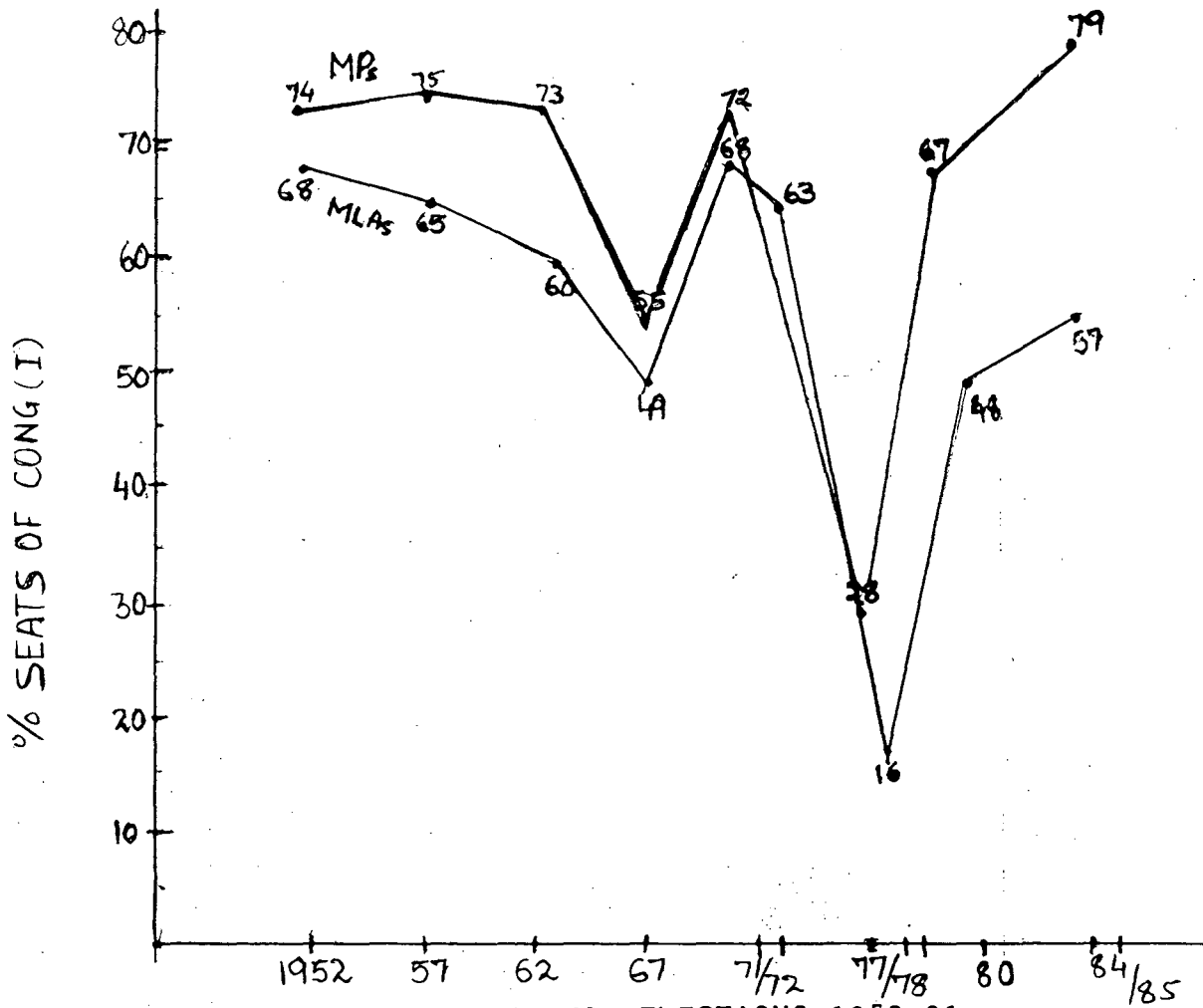
SOURCE :   INDIA DECIDES : ELECTIONS 1952-91

Figure 1.4 A COMPARATIVE STUDY OF THE DIFFERENTIAL BETWEEN % VOTES OF CONG (I) IN LOK SABHA AND ASSEMBLY POLLS.
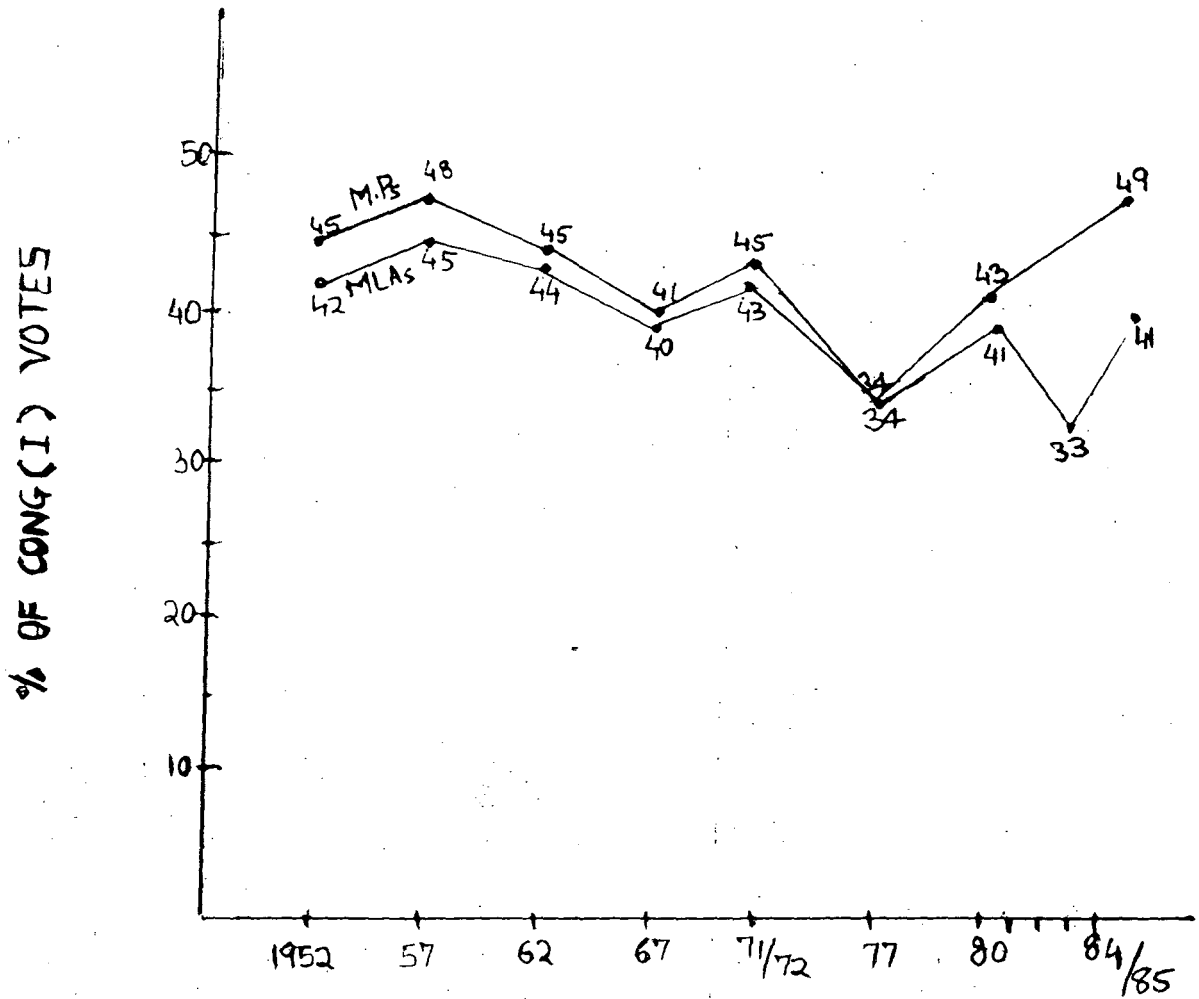
SOURCE : INDIA DECIDES : ELECTIONS 1952-1991

TABLE 1.1   ELECTIONS TO THE STATE LEGISLATIVE ASSEMBLY 1977 : PARTY WISE DISTRIBUTION OF SEATS

STATES	TOTAL SEATS	SEATS DECLA-RED	JANATA PARTY	CONG. (I)	C.P.I.	CPM	DMK	AIADMK	OTHERS	IND.
BIHAR	324	324	214	57	21	4	-	-	5	22
HARYANA	90	90	75	3	-	-	-	-	5	7
HIMACHAL PRADESH	68	68	53	9	-	-	-	-	-	6
MADHYA PRADESH	320	320	230	84	-	-	-	-	-	6
ORISSA	147	147	110	26	1	1	-	-	-	9
PUNJAB	117	115	24	16	7	8	-	-	58(SAD)	2
RAJASTHAN	200									
TAMIL NADU	234	234	10	27	5	12	48	130	-	-
UTTAR PRADESH	425	423	350	46	9	1	-	-	-	16
WEST BENGAL	294	293	29	20	2	178	-	-	58(i)	-

NOTE (i) :   4 Vishal Haryana; 20-SUC; 25-RSP; 3-FB; 3-RCPI; 2-FB(M); 1-BBC

SOURCE   :   Ibid; India decides Elections 1952-1991.

TABLE 1.2   ELECTIONS TO THE STATE LEGISLATIVE ASSEMBLY 1978 : PARTY WISE DISTRIBUTION OF SEATS

STATES	TOTAL SEATS	JANATA	CONG (D)	CONG(I)	CPI	CPM	IND.	OTHERS
ANDHRA PRADESH	294	60	30	175	6	8	15	-
ASSAM	126	53	26	8	5	11	12	11(i)
KARNATAKA	224	59	2	149	3	-	4	7(ii)
MAHARASHTRA	288	99	70	62	1	9	34	13(iii)
MEGHALAYA	60	-	-	-	-	-	10	30(iv)
SIKKIM (1979)	32	-	-	-	-	-	1	30(v)

(i)   ITLA-4; SUCI-2; CPM-L-1; RSPI-4

(ii)   MES-5; RPI(GAVAI)-1; M.L.-1

(iii)   PWP-13

(iv)   A-PHLC-16; HSPDP-14

(v)   SIKKIM JANATA PARISHAD -16;
         SIKKIM CONGRESS (R) - 11; SPC-3.

SOURCE :   Ibid.   India Decides

TABLE 1.3 ELECTIONS TO THE STATE LEGISLATIVE ASSEMBLY 1980: PARTY WISE DISTRIBUTION OF SEATS

STATES	TOTAL SEATS	CONG (I)	CONGS (S)	BJP	JP	LKD	CPI	CPM	DMK	AIADMK	OTHERS	IND.
BIHAR	314	166	14	21	13	42	23	6	–	–	16(i)	–
GUJARAT	181	140	–	9	22	1	–	–	–	–	–	–
MADHYA PRADESH	320	245	–	59	–	2	2	3	–	–	8	1
MAHARASHTRA	288	106	47	14	17	–	2	3	–	–	–	–
ORISSA	147	117	2	–	3	13	4	–	–	–	–	1
PUNJAB	117	63	–	1	–	–	0	5	–	–	37(ii)	–
RAJASTHAN	200	133	6	32	8	7	1	1	–	–	–	–
TAMIL NADU	234	30	–	–	2	–	10	11	38	129	–	–
UTTAR PRADESH	425	306	13	11	4	59	7	–	–	–	–	4

N.B.   (i)   JMM-13; FB-1; JP (Raj Narain)-1;

(ii)   SAD

SOURCE : Election Commission Report (1980).

TABLE 1.4   **ELECTIONS TO THE STATE LEGISLATIVE ASSEMBLY 1982 : PARTY WISE DISTRIBUTION OF SEATS**

STATES	TOTAL SEATS	CONG (I)	CONG (S)	BJP	LKD	CPI	CPM	JP	OTHERS	IND
HARYANA	86	36	-	6	31	1	-	1	-	15
HIMACHAL PRADESH	68	31	-	29	-	-	-	2	-	6
KERALA	139	17	21	-	-	17	35	5	52(i)	5
WEST BENGAL	284	49	4	-	-	7	174	-	49(ii)	11(iii)

N.B.   (i)   KC(M)-8; KL(J)-16; ML-14; (In UDF alliance led by Cong (I))

        (ii)   FB-28; RSP-19   (In LDF alliance led by CPM)

        (iii)   Pro-CPM-4 (In LDF Alliance)

SOURCE :   Election Commission Report (1982-83) Vol. I.

TABLE 1.5   ELECTIONS TO THE LEGISLATIVE ASSEMBLY 1983: PARTY WISE DISTRIBUTION OF SEATS

STATES	TOTAL SEATS	CONG (I)	CPI	CPM	JP	BJP	TDP	OTHERS	IND.
KARNATAKA	223	81	3	3	94	18	–	–	22
ANDHRA PRADESH	293	60	4	5	1	3	202	1	18
TRIPURA	60	12	–	37	–	–	–	2	3

SOURCE : Election Commission Report Vol II (1982-83)

TABLE 1.6 ELECTIONS TO THE STATE LEGISLATIVE ASSEMBLY 1984-85: PARTY WISE DISTRIBUTION OF SEATS

STATES	TOTAL SEATS	CONG (I)	JP	BJP	CPI	CPM	DMK	ADMK	DMKP	CONG	OTHERS	IND.
1984												
TAMIL NADU	232	62	3	–	2	5	20	132	–	–	7(i)	1
MANIPUR	60	30	4	–	1	–	–	–	–	–	4(ii)	21
1985												
ANDHRA PRADESH	294(i)	49	2	3	11	11	–	–	–	–	202(iii)	9
BIHAR	324*	187	11	13	11	1	–	–	42	1	10(iv)	30
GUJARAT	182	149	14	11	–	–	–	–	–	–	0	8
HIMACHAL PRADESH	65	55	–	7	–	–	–	–	1	–	1	2
KARNATAKA	224*	62	13	12	4	2	–	–	–	–	–	11
MAHARASHTRA	288*	162	20	16	2	2	–	–	--	54	13(v)	19
UTTAR PRADESH	320	250	5	58	–	–	–	–	–	1	1	6
ORISSA	145	117	19	1	1	–	–	–	–	–	1	7
RAJASTHAN	198	113	10	38	–	1	–	–	27	–	–	10
SIKKIM	32	1	–	–	–	–	–	–	–	–	30(iii)	1
	425*	266	19	16	6	3	–	–	86	–	5	23

N.B. 1984   (i)   GKNG-2; AIFB-1; RPI(K)-1; IUML-2; TNFB-1;

            (ii)   MPP-3; KNP-1;

    1985   (i)   Results decvlared A.P.-292; Bihar-300; Kar-220; Mah.-267; UP-422;

            (ii)   TDP-202;   (iii)   SSP-31;   (iv)   JMM-9;   (v)   LWP-13;

SOURCE : Election Commission Report (1985)

TABLE 1.7   ELECTIONS TO THE STATE ASSEMBLY 1987, 1988, 1989

STATES	TOTAL SEATS	CONG. (I)	CPI	CPM	BJP	LKD	JP	CONG (S)	OTHERS	IND.
1987										
HARYANA	90	5	-	-	17	60	5	-	2	6
KERALA	140	33	17	35	-	-	5	21	19(i)	20
NAGALAND	60	34	-	-	-	-	-	-	19(ii)	7
WEST BENGAL	294	40	11	187	-	-	26	-	2(iv)	9
MIZORAM	40	13	-	-	-	-	-	-	3(PC) 27(MNF)	-
J&K	76	26	-	-	2	-	-	-	44(JKNC)	4
1988										
TRIPURA	60	12	-	37	-	-	-	-	8	3
MEGHALAYA	60(iii)	25	-	-	-	-	-	-	32(v)	1

(i)   KL(J)-5; ML-14;   (iii)   14 Seats countermanded

(ii)   NNDP-18; NPL-1;   (iv)   RSP-18;   (v)   APHLC-15; HSPDP-15;

SOURCE : Election Commission Reports (1987, 1988 and 1989)

TABLE 1.8 <u>ELECTIONS TO THE STATE LEGISLATIVE ASSEMBLY 1989: PARTY WISE DISTRIBUTION OF SEATS</u>

STATES	TOTAL SEATS	CONG (I)	BJP	JD	CPI	CPM	JP	STATE PARTIES	OTHER	IND.
ANDHRA PRADESH	294	181	5	1	8	6	–	74(TDP)	7	12
GOA	40	20	–	–	–	–	–	–	18	2
KARNATAKA	224	170	3	–	–	–	11	–	–	–
MIZORAM	40	23	–	–	–	–	–	14(MNF)	3	–
SIKKIM	32	–	–	–	–	–	––	32(SSP)	–	–
TAMIL NADU	232(ii)	26	–	–	3	15	–	151(DMK)	32	5
UTTAR PRADESH	421(iii)	94	57	204	6	2	1	–	–	–

(i)   MNF-14;

(ii)   2 Seats countermanded

(iii)   4 seats countermanded

TABLE 1.9   A PROFILE OF THE POSITION OF THE LARGEST OPPOSITION PARTY IN 1985.   A STATE WISE
ANALYSIS OF ASSEMBLY SEATS

STATES	LARGEST OPP. PARTY	SEATS IN THE LAST POLL	SITTING MLA's	SEATS IN 1985 POLL	% CHANGE FROM LAST POLL
ANDHRA PRADESH	TDP	202	199	202	Unchanged
BIHAR	DMKP	42	39	42	Unchanged
GUJARAT	JANATA	22	15	14	-36.3
HIMACHAL PRADESH	BJP	29	28	7	-75.5
KARNATAKA	JANATA	94	97	139	+47.8
MADHYA PRADESH	BJP	60		58	- 3.3
MAHARASHTRA	CONG(S)	47	9	56	+16.0
ORISSA	JANATA	3	-	12	+ 6.12
RAJASTHAN	BJP	32	32	38	+18.7
UTTAR PRADESH	DMKP	59	66	89	+44.0
SIKKIM	SSP	30	-	32	+ 6.06
TOTAL		620		686	+23.58%

SOURCE : Ibid; India Decides : Elections 1952-1991

TABLE-1.10   ELECTIONS TO   6TH LOK SBAHA POLL 1977   TOTAL SEATS - 542

STATES	TOTAL SEATS	INC	BLD	CPI	CPM	INCO	OTHERS	IND.
1.	2.	3.	4.	5.	6.	7.	8.	9.
ANDHRA PRADESH	42	41	1	-	-	-	-	1
ASSAM	14	10	3	-	-	-	-	1
BIHAR	54	0	52	-	-	-	1	1
GUJARAT	26	10	16	-	-	-	-	-
HARYANA	10	-	10	-	-	-	-	-
HIMACHAL PRADESH	4	-	4	-	-	-	-	-
JAMMU & KASHMIR	6	3	-	-	-	-	2	1
KARNATAKA	28	26	2	-	-	-	-	-
KERALA	20	11	-	4	-	-	5	-
MADHYA PRADESH	40	1	37	-	-	-	1	1
MAHARASHTRA	48	20	19	-	3	-	6	-
MANIPUR	2	2	-	-	-	-	-	-
MEGHALAYA	2	1	-	-	-	-	-	1
NAGALAND	1	-	-	-	-	-	1	-
ORISSA	21	4	15	-	1	-	-	1
PUNJAB	13	-	3	-	1	-	9(SAD)	-

- 83 -

1.	2.	3.	4.	5.	6.	7.	8.	9.
RAJASTHAN	25	1	24	-	-	-	-	-
SIKKIM	1	1	-	-	-	-	-	-
TAMIL NADU	39	14	-	3	-	3	19(ADMK)	-
TRIPURA	2	1	1	-	-	-	-	-
UTTAR PRADESH	85	-	85	-	-	-	-	--
WEST BENGAL	42	3	15	-	17	-	6	1
ANDAMAN & NICOBAR	1	1	-	-	-	-	-	-
ARUNACHAL PRADESH	2	1	-	-	-	-	-	1
CHANDIGARH	1	-	1	-	-	-	-	-
DADAR & NAGAR HAVELI	1	1	-	-	-	-	-	-
DELHI	7	-	7	-	-	-	-	-
GOA DAMAN & DIU	2	1	-	-	-	-	1	-
LAKSWADWEEP	1	1	-	-	-	-	-	-
MIZORAM	1	-	-	-	-	-	-	1
PONDICHERRY	1	-	-	-	-	-	1	-

TABLE 1.11   ELECTIONS TO 7TH LOK SABHA POLLS 1980   TOTAL SEATS : 529

STATES	TOTAL SEATS	INCI	INCU	JP	JPS	CPI	CPM	OTHERS	IND.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
ANDRA PRADESH	42	41	1	-	-	-	-	-	-
ASSAM	14	2	-	-	-	-	-	-	-
BIHAR	54	30	4	8	5	4	-	1	2
GUJARAT	26	25	-	1	-	-	-	-	-
HARYANA	10	5	-	1	4	-	-	-	-
HIMACHAL PRADESH	4	4	-	-	-	-	-	-	-
JAMMU & KASHMIR	6	1	1	-	-	-	-	3	1
KARNATAKA	28	27	-	1	-	-	-	-	-
KERALA	20	5	3	-	-	2	6	3	1
MADHYA PRADESH	40	35	-	4	-	-	-	-	1
MAHARASHTRA	48	39	1	8	-	1	-	-	-
MANIPUR	2	1	-	-	-	-	-	-	-
MEGHALAYA	2	1	-	-	-	-	-	-	-
NAGALAND	1	-	-	-	-	-	-	-	1
ORISSA	21	20	-	-	1	-	-	-	-
PUNJAB	13	12	-	-	-	-	-	1	-
RAJASTHAN	25	18	1	4	2	-	-	-	-

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
SIKKIM	1	–	–	–	–	–	–	1	–
TAMIL NADU	39	20	–	–	–	–	–	18	1
TRIPURA	2	–	–	–	–	–	2	–	–
UTTAR PRADESH	85	51	–	3	29	1	–	–	1
WEST BENGAL	42	4	–	–	–	3	28	7	–
ANDAMAN & NICHOBAR	1	1	–	–	–	–	–	–	–
ARUNACHAL PRADESH	2	2	–	–	–	–	–	–	–
CHANDIGARH	1	1	–	–	–	–	–	–	–
DADAR & NAGAR HAVELI	1	1	–	–	–	–	–	–	–
DELHI	7	6	–	1	–	–	–	–	–
GOA, DAMAN & DIU	2	–	1	–	–	–	–	1	–
LAKSHADWEEP	1	–	1	–	–	–	–	–	–
MIZORAM	1	–	–	–	–	–	–	–	1
PONDICHERRY	1	1	–	–	–	–	–	–	–

TABLE 1.12   ELECTIONS TO 8TH LOK SABHA POLLS 1984   TOTAL SEATS - 542

STATES	Total SEATS	INCI	BJP	JP	LKD	CPI	CPM	ICS	STATE PARTIES	OTHERS	IND.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
ANDHRA PRADESH	42	6	1	1	-	1	1	1	202(TDP)	-	1
ASSAM	14	4	-	-	-	-	-	1	7(AGP)	2	-
BIHAR	54	48	-	1	1	2	-	-	-	1	1
GUJARAT	26	24	1	1	-	-	-	-	-	-	-
HARYANA	10	10	-	-	-	-	-	-	-	-	-
HIMACHAL PRADESH	4	4	-	-	-	-	-	-	-	-	-
JAMMU & KASHMIR	6	3	-	-	-	-	-	-	3(JKNC)	-	-
KARNATAKA	28	24	-	4	-	-	-	-	-	-	-
KERALA	20	13	-	1	-	-	1	1	-	4	-
MADHYA PRADESH	404	40	-	-	-	-	-	-	-	-	-
MANIPUR	2	2	-	-	-	-	-	-	-	-	-
MEGHALAYA	2	2	-	-	-	-	-	-	-	-	-
NAGALAND	1	1	-	-	-	-	-	-	-	-	-
ORISSA	21	20	-	1	-	-	-	-	-	-	-
PUNJAB	13	6	-	-	-	-	-	-	7(SAD)	-	-
RAJASTHAN	25	25	-	-	-	-	-	-	-	-	-
SIKKIM	1	-	-	-	-	-	-	-	-	-	1
TAMIL NADU	39	25	-	-	-	-	-	-	12(ADMK)	2	-
TRIPURA	2	-	-	-	-	-	2	-	-	-	-
UTTAR PRADESH	85	83	-	-	2	-	-	-	-	-	-

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
WEST BENGAL	42	16	-	-	-	3	18	-	-	5	-
ANDAMAN & NICOBAR ISLAND	1	1	-	-	-	-	-	-	-	-	-
ARUNACHAL PRADESH	2	2	-	-	-	-	-	-	-	-	-
CHANDIGARH	1	1	-	-	-	-	-	-	-	-	-
DADAR & NAGAR HAVELI	1	-	-	-	-	-	-	-	-	-	1
DELHI	7	7	-	-	-	-	-	-	-	-	-
GOA DAMAN & DIU	2	2	-	-	-	-	-	-	-	-	-
LAKSHADWEEP	1	1	-	-	-	-	-	-	-	-	-
MIZORAM	1	1	-	-	-	-	-	-	-	-	-
PONDICHERRY	1	1	-	-	-	-	-	-	-	-	-

TABLE 1.13   ELECTIONS TO 9TH LOK SABHA POLLS - 1989   TOTAL SEATS - 543

STATES	TOTAL SEATS	INC	JD	BJP	JP	LKDB	CPI	CPM	ICSS	STATE PARTIES	OTHERS	IND.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
ANDHRA PRADESH	42	39	-	-	-	-	-	-	-	2(TDP)	1	-
ASSAM*	14	-	-	-	-	-	-	-	-	-	-	-
ARUNACHAL PRADESH	2	2	-	-	-	-	-	-	-	-	-	-
BIHAR	54	4	32	8	-	-	4	1	-	-	5	-
GOA	1	1	-	-	-	-	-	-	-	-	-	-
GUJARAT	26	3	11	12	-	-	-	-	-	-	-	-
HARYANA	10	4	6	-	-	-	-	-	-	-	-	-
HIMACHAL PRADESH	4	1	-	3	-	-	-	-	-	-	-	-
JAMMU & KASHMIR	6	2	-	-	-	-	-	-	-	3(JKNC)	-	1
KARNATAKA	28	27	1	-	-	-	-	-	-	-	-	-
KERALA	20	14	-	-	-	-	2	1	-	-	3	-
MADHYA PRADESH	48	8	4	27	-	-	-	-	-	-	-	1
MANIPUR	2	2	-	-	-	-	-	-	-	-	-	-
MEGHALAYA	2	2	-	-	-	-	-	-	-	-	-	-
MIZORAM	1	1	-	-	-	-	-	-	-	-	-	-
NAGALAND	1	1	-	-	-	-	-	-	-	-	-	-
ORISSA	21	3	16	-	-	-	1	1	-	-	-	-
PUNJAB	13	2	1	-	-	-	-	-	-	6(SAD)	1	3

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
RAJASTHAN	25	-	11	13	-	-	-	1	-	-	-	-
SIKKIM	1	-	-	-	-	-	-	-	-	1(SSP)	-	-
TAMIL NADU	39	27	-	-	-	-	1	-	-	11(ADMK)	-	-
TRIPURA	2	2	-	-	-	-	-	-	-	-	-	-
UTTAR PRADESH	85	15	54	8	-	-	2	1	-	-	3	2
WEST BENGAL	42	4	-	-	-	-	3	27	-	-	8	-
A& N ISLANDS	1	1	-	-	-	-	-	-	-	-	-	-
CHANDIGARH	1	-	1	-	-	-	-	-	-	-	-	-
D&N HAVELI	1	-	-	-	-	-	-	-	-	-	-	1
DAMAN & DIU	2	-	-	-	-	-	-	-	-	-	-	1
DELHI	7	2	1	4	-	-	-	-	-	-	-	-
LAKSHADWEEP	1	1	-	-	-	-	-	-	-	-	-	-
PONDICHERRY	1	1	-	-	-	-	-	-	-	-	-	-

TABLE 1.14   VOTES POLLED BY VARIOUS PARTIES IN THE GENERAL ELECTION OF
1977, 1980, 1984 AND 1989

PARTIES	VOTES POLLED (1977)	VOTES POLLED (1980)	VOTES POLLED (1984)	VOTES POLLED (1989)
CONG (I)	34.3	42.7	48.1	39.33
JANATA PARTY	43.06	19.00	6.7	17.73(JD)
BJP	7.4(BJS)	9.4(JNPS)	7.4	6.32
CPM	4.3	6.1	5.7	2.61
CPI	2.8	2.6	2.7	3.32
IMPORTANT REGIONAL PARTIES				
TELUGU DESAM	-	-	44.8	3.32
DMK	18.0	23.0	25.9	2.25
ANNA-DMK	30.5	25.4	18.4	3.33
SAD	42.3	23.4	37.2	53.84
JKNC	33.9	36.9	46.2	-

SOURCE :   Ibid; India Decides : Elections 1952-1991

TABLE 1.15   THE COMPARATIVE MARGINE OF % VOTES OF THE MAJORITY PARTY IN LOK-SABHA ELECTIONS (1977, 1980,1984) AND LEGISLATIVE ASSEMBLIES OF THE STATES*

STATES		JP % VOTES 1977-79			CONG(I) % VOTES 1980-84			CONG(I) % VOTES 1984-89		
		1	2	3	1	2	3	1	2	3
A.P.	(1978)	32.35	27.87	- 4.48	56.24	33.58	-22.6	41.81	37.48	- 4.33
ASSAM	(1978)	35.84	62.61	+27.97	51.01	52.53	+ 1.53	-	-	-
BIHAR	(1977)	65.04	43.14	-21.90	36.44	34.20	= 2.24	51.84	39.30	-12.54
GUJARAT	(1980)	49.51	-	-	54.84	51.04	- 3.8	53.24	55.55	+ 2.31
HARYANA	(1977)	70.43	46.70	-23.73	32.55	37.58	+ 5.03	54.95	29.18	-25.77
H.P.	(1980)	57.27	-	-	50.69	42.54	- 8.15	67.58	55.46	-12.12
J&K	(1977)	9.22	17.14	+ 8.92	19.34	30.32	+10.98	30.23	20.20	-10.03
KARNATAKA	(1978)	39.95	37.89	- 2.06	56.25	40.42	-16.01	51.63	41.10	-10.53
KERALA	(1977)	7.24	14.28	+ 7.04	46.32	11.89		33.27	24.81	- 8.46
M.P.	(1977)	57.91	47.28	-10.63	47.20	47.52	+ 0.32	57.08	48.87	- 8.21
MANIPUR	(1980)	8.67	-	-	22.99	21.63	- 1.36	34.94	29.82	- 5.12
MAHARASHTRA	(1978)	31.49	65.79	+34.30	53.30	44.50	- 8.8	51.26	43.57	- 7.69
MEGHALAYA		-	-	-	74.31	27.68	-46.63	62.42	77.51	+15.09
MIZORAM		-	-	-	-	-	-	-	-	-
NAGALAND		-	-	-	-	-	-	64.64	39.84	-24.8
ORISSA	(1977)	51.82	49.24		56.05	47.78	- 8.27	57.49	51.08	- 6.41
PUNJAB	(1977)	12.58	21.36	+18.78	52.45	45.19	- 7.26	-	-	-

		1	2	3	1	2	3	1	2	3
RAJASTHAN	(1977)	65.2	50.69	-15.31	42.64	42.96	+ 0.32	52.72	46.56	- 6.16
SIKKIM	(1979)	-	-	-	-	-	-	-	-	-
TAMILNADU	(1977)	35.0	16.69	-	31.62	20.48	-11.14	40.51	16.46	-24.05
TRIPURA	(1977)	17.8	-	-	22.61	30.51	+ 7.9	45.91	89.74	+43.83
U.P.	(1977)	68.1	48.35	-19.75	35.90	37.65	+ 1.75	51.03	39.25	-11.78
W. BENGAL	(1977)	21.5	20.55	- .95	36.51	35.69	- 0.82	48.16	41.81	- 6.35
TOTAL		43.06	33.50	- 9.56	42.7	33.18	- 9.52	48.1	41.62	- 6.48

* N.B.   The vote % between two L.S. Elections is taken as constant for that period for all
         State Legislative Assemblies.

(1)   LOK SABHA % VOTES
(2)   STATE ASSEMBLY % VOTES
(3)   DIFFERENCE BETWEEN 1 & 2
           Assembly polls held in 1977   Assembly polls held in 1984
           Assembly polls held in 1980   Assembly polls held in 1985
           Assembly polls held in 1982   Assembly polls held in 1987
           Assembly polls held in 1983

TABLE 1.16   AN ANALYSIS OF CONGRESS (I) GAINS AND LOSSES IN THE 1984-85 ASSEMBLY POLLS.

STATES	TOTAL SEATS	SEATS IN LAST ELECTION	OUTGOING HOUSE	POLLS 1985	GAIN
CONG(I) GAINS					
H.P.	68	31	37	55	+24
GUJARAT	320	246	231	250	+ 6
M.P.	182	140	142	149	+ 9
BIHAR	324	166	194	190	*24
CONG (I) LOSSES					
U.P.	425	306	296	266	-40
ORISSA	147	117	119	117	00
RAJASTHAN	200	133	143	113	-20
MAHARASHTRA	288	223	226	162	-61
A.P.	294	60	59	49	-11
KARNATAKA	224	81	88	66	-15
SIKKIM	32	1	28	1	00

SOURCE : Ibid; India Decides

TABLE 1.17   A   PROFILE   OF   STATES   THAT   HAVE   DEVELOPED   A

STATE-PARTY   SYSTEM   WHERE   CGPs   PLAY   A

SECONDARY ROLE

WEST BENGAL(284 SEATS)

YEARS	CONGRESS (I)	(LDF) LARGEST OPPOSITIOM PARTY	DIFFERENCE IN VOTES
1977	20	231	-210
1982	53*	230	-181
1987	40	245	-205

* 49-Cong.(I); 4-KS:

KERALA (140 SEATS)

YEARS	CONGRESS (I) (UDF)	(LDF)+ LARGEST OPPOSITION PARTY	DIFFERENCE IN VOTES
1980	17+32*	72	-23
1982	20+59**	64	+15
1987	33+22	86	-31

** KC(J)-8; IND-24; CONG(S)-7;

* KC(J)-6; IND-5; CONG(S)-21;

+ CPI+CPM+KC(M)+ML+OTHERS

SOURCE : Ibid; India Decides

PUNJAB (117 SEATS)

YEARS	CONGRESS (I)	LARGEST OPPOSITION PARTY	DIFFERENCE IN VOTES
1977	16	58 (SAD)	-42
1980	63	37 (SAD)	+26
1985	32	73 (SAD)	-41

ANDHRA PRADESH (294 SEATS)

YEARS	CONGRESS (I)	LARGEST OPPOSITION PARTY	DIFFERENCE IN VOTES
1977	175	60 (JP)	+115
1983	60	202 (TDP)	-142
1985	50	202 (TDP)	-152

TAMIL NADU (234 SEATS)

YEARS	CONGRESS (I)	LARGEST OPPOSITION PARTY	DIFFERENCE IN VOTES
1977	27	130 (ADMK)	-103
1980	30	130 (ADMK)	-100
1984	62	128 (ADMK)	- 66
1989	26*	151 (DMK)	-125

* Govt. formed by AIADMK+CONG(I) later due to a split Govt. formed by the DMK.

KARNATAKA (224 SEATS)

YEARS	CONGRESS (I)	LARGEST OPPOSITION PARTY	DIFFERENCE IN VOTES
1978	149	59 (JP)	+ 90
1983	89	95 (JP)	- 6
1985	66	139 (JP)	- 73
1989	177	24 (JD)	+153

SOURCE :   Ibid; Based on Data by India Decides Election 1952-1991.

TABLE 1.18 THE PERCENTAGE OF VOTES POLLED BY THE MAJORITY PARTY IN THE
LOK-SABHA POLLS IN 1980, 1984 & 1989 AND THEIR PERCENTAGE
SHARE OF SEATS

1977		1980		1984		1989	
JANATA PARTY		CONGRESS (I)		CONGRESS (I)		JANATA DAL	
% VOTES	% SEATS	% VOTES	% SEATS	% VOTES	% SEATS	%VOTES	%SEATS
43.6	68	42.5	67.5	49.6	75.7	33.4	34

TABLE 1.19   PERCENTAGE VOTES POLLED BY VARIOUS PARTIES IN THE NINTH GENERAL ELECTIONS
(1989)

PARTY	VOTES POLLED BY THE VARIOUS PARTIES			
	1977	1980	1984	1989
CONG (I)	35.4	42.5	49.6	33.0
JD	-	-	-	19.98
BJP	7.7	6.9	7.4	11.56
CPM	4.3	6.69	5.7	6.7
CPI	2.24	2.23	2.32	2.61
TDP	-	-	7.2	3.32
DMK	3.2	2.6	2.24	2.25
CONG (S)	-	-	-	3.2

SOURCE : India Today, Dec. 11-31.

FOOTNOTES & REFERENCES

1. PALMER, Norman, Elections and Political development (New Delhi; Longman, 1978) pp. 20.

2. Ibid, p 28.

3. BRASS, Paul, "Political Participation Institution-alization and Stability in India" ed. Henry S. Abinski Asian Political Process : Essays and Readings (London; Allyne & Bacon, 1971) pp. 174-192.

4. Government of India, Ministry of Law Justice and Company Affairs, Manual of Election Law, 9th Edition (New Delhi, Govt. of India).

    State Parties are those parties which are registered with the 'Election Commission's Election Sybols (Reservation and Allotment) Order, 1968.' Accordingly a registered political party is not automatically 'recognized'. Recognition is granted to a party on a state-by-state basis on the basis of one of the two criteria : (i) its existence and participation in political activity for a period of five years (ii) its securing at least 4% of the votes cast in the State for Lok Sabha (to be recognised as a national party) or Vidhan Sabha excluding candidates who have lost their deposits.

Till 1971 there was no criteria or provision as to what was a national party, it was introduced only after 1971.

5. HARDGRAVE Jr, R.L., India under Pressure : Prospects for political stability.(Boulder; Westview Press, 1984) p. 49.

6. NAIK, J.A., The Janata Revolution (New Delhi; Chanakya Pubishers, 1977) pp.48

7. BHAMBRI, C.P., Janata Party: A profile (New Delhi; National, 1980) pp. 5

8. Ibid; p.19

9. Ibid; p.27

10. NAIK, J.A., From total revolution to toal failure (New Delhi, Chanakya Publishers, 1980) pp.35.

11. LIMAYE, Madhu, "Janata on the brink" - Illustrated Weekly of India, December 24-30, 1978.

12. WEINER, Myron, India at the Polls; Parliamentary Elections of 1977 (Washington, DC, American Enterprise for Public Policy Research, 1978) p.53.

13. WEINER, Myron, India at the Polls 1980 (Washington, DC; American Enterprise for Public Policy Research, 1980) p.28.

14. RUDOLPH Lloyd and Rudolph Sussanne, In pursuit of Laxmi (Chicago; University of Chicago Press, 1987) pp. 103-107.

15. MANOR, James, Parties and Party system (Chicago, University of Chicago Press, 1985) p. 126.

16. KUMAR, Anand, Political Philosophy of Peripheral Capitalism; making the State agenda in post colonial India (Chicago, University of Chicago Press 1985) pp.105-106:

17. WEINER, Myron, "Congress Restored : Continunities and discontinuities in Indian Politics" - Asian Survey, April 1982, Vol XXII, pp. 339-355.

18. WEINER, Myron, The Indian Paradox : Essays on Indian Politics ed. Ashutosh Varshney (New Delhi, Sage, 1990) p. 195.

19. SISSON, Richard and VANDERBOK, William, "Mapping the Indian electorate : trends in Party support jin seven general elections" - Asian Survey October, 1983, Volume XXII pp 1140-1146.

20. Ibid; p. 1144

21. GUPTA, R.L., Electoral Politicvs in India (New Delhi, Discovery Publishing House, 1984) p. 96.

22. JAFAR, Ghani, Elections in India 1984-85 (Institute of Regional Studies, 1985) pp 124-130.

23. RUDOLPH 7 Rudolph op.cit. p. 234.

24. BOSE, S. Nemai, India in the eighties : The projections - patterns and tendency in the Indian party systems. (New Delhi; Chanakya Publishers, 1988) p. 188.

25. Ibid; p. 190.

26. MANOR James, op.cit. p. 146.

27. Indian Express, 13 December, 1984.

28. MANOR James, op.cit. p. 152.

29. Hindustan Times, 24 December, 1984.

30. RUDOLPH & Rudolph op.cit. p.250.

31. SISSON, Richard, "Dawn of coalition politics" - Asian Survey, June, 1990 Vol. XXXV, pp. 416-422.

32. _____ "A Year of elections in a culture of Change", Asian Survey, December 1989, Volume XXXIV.

33. SISSON, Richard, art.cit. <u>Asian Survey</u>, June 1990, pp. 1105-1120.

34. <u>Ibid</u>; p. 1118

35. <u>Indian Today</u>, 15-30 December, 1984.

36. BUTLER, David, Roy, Pronnoy & LAHIRI, Ashok, <u>India Decides : Elections 1952-1991</u> (New-Delhi, Living Media, 1991)

CHAPTER-III

THE MAINTENANCE OF LAW & ORDER AND INTERNAL SECURITY

There have been several issues which have caused heart burning between the centre and States in recent years. One of the important issues is the use of Paramilitary forces by the Centre in States at times without consulting them. This issue needs an indepth study as it has generated not only Centre-State tension but has indirectly conveyed refusal or resentment of certain State governments to carry out centre's directions issued under Articles 257 & 365 of the Constitution not being in the interest of the ruling party in the State.

Regarding the use of para-military forces part of the States feelings can be gauged from the following excerpt of 'West-Bengal Memorandum' which reads, "During the past 10 years the Centre's tentacles have further spread to the States even in the sphere of law and order, which is formally a State subject, through the creation of the CRPF the BSF and the CISF etc."[1]

3.1 CONSTITUTIONAL POSITION

According to the Constitution a State government has the sole responsibility of maintaining

law and order.[2]   The Criminal Procedures Code says
that "an unlawful assembly should normally be
dispersed by the State Police and the Magistrate but
if the force proves unsuccessful then the officer in
command can call on the nearest army unit for help."
Even if "public disorder" is not so serious as to come
under article 355, the help can be asked for.
Nevertheless it is solely upto the Union Government to
say "yes" or refuse if it thinks that the State
authorities are competent enough to deal with it on
its own.

Two concepts need examination through study of
constitution - 'National security' and 'Maintenance of
Law and Order'.

'National Security' is the responsibility of
the Centre and it emanates from such diverse factors
as the world power game, commitment to and rapport
with other countries, self sufficiency in military
hardware, combat readiness, a sound economic and
industrial base, prevailing social conditions and law
and order environment within the country.   As late
Prime Minister Pandit Jawahar Lal Nehru has put it,
National Security is a combination of Safeguards
against external agression plus internal security.

Thus it will be appreciated that internal security becomes more or less a concern of the centre. Art. 352 and 356 of the Constitution also support this view.[3]

'Maintenance of law and order.' is the responsibility of the States under the 'State List' of the Seventh Schedule. It includes public peace, safety and tranquility. States for this purpose are provided with infrastructure in the form of Police and Police Armed Units. When law and order situation deteriorates and it becomes 'Internal disturbance' under Art 355, Centre's assistance can be sought by the State and Centre may provide help, render advice or refuse it. However, when internal disturbance threatens the security of the State or the country itself, the subject becomesaconcern of the Centre.[4]

It is thus well settled that 'Public Order' is not the same as 'law and order'. Maintenance of law and order is not equated with maintenance of 'public order'. An act or activity, in order to give·rise to an apprehension of public disorder, must directly and proximately be linked to some elements - subversion violence, dangerously mischevious or leading to general fear. "The act or activity must be judged by

the direct or immediately probable effects on the public mind - Any such activity should be of a pervading character disturbing the general peace, tranquility and order of Society - **(1972) Cr.L.J., SC 1959 at page 1601 - 1687.**

Chief Justice Hidayatullah in **Arun Ghosh Vs State of Bengal (AIR 1970 SC 1228)** observed that "the true test for determining whether acts are connected with 'Public Order' or with 'law and order' is not each individual act by itself but its potentiality and if the acts have the effect of disturbing the even tempo of the life of the community of that specified locality then those acts relate to public order and not to 'law and order'. It is the 'degree of disturbance' and its effect upon the life of the community in a locality which determines whether a disturbance amounts only to breach of public order. In one case it migh effect specific individuals only and therefore touches the problem of law and order only, while in another it might affect public order."

In Ram Manohar Lohia Vs. State of Bihar (AIR 1966 SC 740) Justice Hidayatullah expressed the concept by saying that one has to imagine concentric circles with Law and Order representing the largest

circle within which is the next circle representing public order and the smallest circle represents the security of the State. "Maintenance of law and order means the preventation of disorder of comparatively lesser gravity and of local significance.

The analysis of the above indicates that there is only a hairline difference between National Security and maintenance of Law and Order. When public disorder is going to affect Internal Security is a matter of judgement, perception, and decision making, which may vary from the State's or the Centre's point of view.

Some States have alleged that the Union Government has deliberately not sent its forces on time in order to extract political mileage, for e.g. the A.P. Chief Minister had alleged in 1986 when there were disturbances in the State, however, this fact is not really substantiated by practice which is more in the opposite direction. Union has infact been sending its forces at a moment's notice.

It is concievable that a State Government is unwilling and unable to suppress an internal disturbance and yet refuse to seek the aid of the

union paramilitary forces. Though in such a case if the Union Government so feels it can station its troops in the State suo-moto and take unilateral measure under Entry 1 and Entry 2A of List II i.e. 'in aid of the civil power' yet without the assistance of the State Government these can at best provide temporary relief to the affected area and none at all where such disturbances are chronic. Thus practical consideration makes cooperation invariably imperative if the deployment has to benefit the local population.5

The forces so employed under the 'Criminal Procedures Act' will not only be outside the purview of the State Government but the officer in command will decide on his own, the manner in which the unlawful assembly has to be dispersed by the forces under his command. And refusal of State Government to let such forces operate and create dissension may lead to the sanctioning of Art 356.[6]

Since the commencement of the Constitution the Union Government has deployed the CRPF 'suo-moto' only on three occasions viz. once in 1968 in Kerala and twice in 1969 in West Bengal. The Union Government in the first two cases refused to withdraw its forces on

the request of the State Governments which led to a conflict between these governments and the Centre. In the third case however, things reached a climax but the Union Government withdrew its forces and thus averted a Constitutional crisis.

2.   **The Paramilitary Forces**

The Constitution under Art 246 item 2 of List I of Schedule 7, empowers Central Government to raise armed forces for the security of the country.[7] These armed forces are termed as Paramilitary forces which as per dictionary can be defined as appendage or ancillary to military. Over a period the term has acquired new connotations in case of Paramilitary Forces. Today, they are not only standing to assist or are assisting defence forces but have become the mainstay of country's hope in checking trans border crimes, counter insurgency, terrorism and in carrying out Internal security duties. Maintenance of public order involves a whole range of functions starting with cognizance of offences, search, seizure and arrests, and followed by registration of reports of offences (FIRs) investigation, prosecution, trial and in the event conviction, execution of sentences. The Union's armed forces, where their members have been invested with powers under the Criminal Procedure

Code, are responsible broadly for only the first four operations. This is most clearly distinguished by the acts under which the various forces function. The various police force have all the powers as given to them under the Indian Police Force Act 1861. Similarly the CRPF Rules Act 1955 govern the area of CRP despite its name. Similar is the case with other union forces they have specific functions under their various acts which may overlap in times of grave emergency with the police powers yet are otherwise clearly confined to their areas of functioning and the powers of a CRP Officer are much more restricted than those of a police officer. _) Besides which the organization of para-military forces is on the lines of the army their weaponing is also more advanced. But the basic difference is organizational. They are not responsible for registration or of investigation of offences. The state civil authorities are through out responsible for public order while the deployed paramilitary are there to restore and maintain public order. The area of BSF and the army is the most restricted and they can function in aid of civil power only under Section 130-131 of Cr.P.C. which they have by the virtue of their being union armed forces. Indian Paramilitary forces can be grouped as under :-

1.   For maintenance of law and order :- CRPF

2.   For security of Public Untakings/Govt.

        Scientific & Industrial Establishment:- CISF &
                                                    RPF

3.   For Border Security :- Assam Rifles, ITBP,

        Coast Guards, BSF.

4.   For special assignments : - NSG, SPG, SSF.

1 (ii)   **The Central Reserve Police Force - (CRPF)**

        The CRPF was raised initially as "The Crown's
Representative Police Force" in 1939 with a strength
of one battalion to assist the then princely states in
the maintenance of law and order. After independence,
the Parliament enacted the **"Central Reserve Police
Force Act 1949"** for the Constitution and regularation
of an armed Central Reserve Police Force. The main
function of the force is to assist the State
Governments in the maintenance of law and order in
situations which cannot be handled with the strength
of the local police force. On the increased demands
from State Governments for deployment of this force,
its strength is being raised from time to time and at
present stands at 69 operational Battalions.

        The CRPF is an armed force of the union kept
in reserve for assisting the State Governments in

maintenance of law and order whenever required. While performing these duties, the CRPF functions under the control of the civil authority. In case of emergency they are also deployed on borders.

2 (i) The Central Industrial Security Force (CISF)

The CISF was raised in 1969 under the "CISF Act 1968" for the better protection and security of certain industrial undertakings. The force has made phenomenal growth over the years, with its induction in more and more undertakings. The present strength of the force is over 30,000 men who are deployed in 112 public sector undertakings.

The CISF has been raised for the protection and security of scientific/industrial installations. Its main function pertains to protection of property in various public undertakings.

2 (ii) The Railway Police Force (RPF)

The Railway Police was made an armed force under the Railway Police Force Act 1985 in view of the increasing terrorist activities. Before it was a State police force.

Its main objective is to guard long journey

trains especially those going to sensitive frontier areas against terriorist attacks, and subversive activities.

3 (i) Assam Rifles

Raised in 1835, under the banner of Cacher Levy, the nature and scope of this force has undergone radical transformation. Originally conceived as an armed police unit to guard the British settlements and tea estates against the depredations of marauding tribals, this force has grown from strength to strength. Initially a small force of 750 combatants, this organization has acquired five battalions on the eve of independence and now has as many as 21 battalions, with the passage of time, its name has also changed repeatedly - Cacher police, Assam frontier police, Assam military police and so on till **it was eventually rechristened in 1917 as the Assam Rifles** in recognition of the contribution made by it towards the war efforts in the First World War. It formally became an armed force under the 'Assam Rifles Act 1941, a Central Act.

The Asam Rifles are the custodian of Law and Order, the pioneers of every advance into the interior and the guardians of the country's Eastern Frontiers

and above all, the friends of the hill people of the North Eastern region. Its main function is counter insurgency operations and inculcating a sense of security among the population in the hill region of North Eastern India.

3 (ii) The Indo-Tibetan Border Police (ITBP)

The ITBP was raised in 1962 as a paramilitary force under 'the CRP Act 1949'. It is meant for policing the Indo-Tibetan border in U.P., H.P. and Ladakh sectors. Its present strength is 11 Battalions.

The ITBP was raised in the wake of Chinese aggression with the object of fastering a sense of security among the border populace. Its main functions are

(a)   To keep vigil on the ingress routes along the border.

(b)   To control trans-border traffic and to prevent trans border crimes and unauthorised entry into or exit from the territory of India.

3 (iii) The Coast Guards

The need for setting up a coast guard

organisation for ensuring safety of navigation in our waters, search and rescue at sea, salvage, fishery protection, prevention of poaching an infiltration, pollution control etc. at sea was felt by the government since long. With a view to fulfil the need, a committee under MHA was formed and **Coast Guards was commissioned under the Ministry of Defence in 1976** under the Coast Guard Act 1976. Its functions are :

(1)   Policing the territorial waters and contiguous water as may be specified for this purpose with a view to enforcing the criminal laws of the country, protecting national interests in such waters and giving a feeling of security.

(2)   Supplementing the efforts of and rendering assistance to the customs authorities in specified areas.

(3)   Ensuring compliance with national laws related to shipping, fishing, pollution and other matters in areas where these laws are applicable.

(4)   Detecting breaches national law in such waters, and handing the cases over to the

appropriate agencies for further action or if the government so directs, investigating the cases themselves with the assistance of any other agency that is considered necessary.

(5)   Organizing salvage, search and rescue operations.

(6)   Assisting in the security of islands or coastal areas where special assistance is required.

(7)   In the time of hostilities or when there is serious danger, the coast guard will carry out such duties as may be assigned to them by the Indian Navy under whose operational command they will be placed.

3 (iv)   **The Border Security Force (BSF)**

After Kutch Operation of April 1965, it was felt in Chief Ministers Conference that a central Border Force be raised and assigned the responsibility of guarding borders, which till then was done by the State Armed Police Battalions. Accordingly a committee was set up and BSF came into being in 1967 under the 'Border Security Force Act 1968.' Its first assignment was guarding the borders between India and

Pakistan. Today it also guards the Indo-Burma and Indo Bangla borders. Its strength began from 5 battalions which today has increased to 18 battalions in all.

Dual role A) **During Peace**

(i)   To prevent   border crimes, unauthorised entry into or exit from the territory of India.

(ii)   Internal security duties in the troubled areas.

(iii)   Promoting a sense of security in the border population.

(iv)   Assistance during natural calamities.

B)   **During War**

(i)   Holding ground in less threatened sector so long the main attack does not develop in particular sector and it is felt that the local situation is within the capability of BSF to meet.

(ii)   Providing extension to the flanks of the main line by holding of strong points in conjunction with other units and guard military life lines.

4 (i)   National Security Guards

N.S.G. - The National Security Guards were commissioned in 1984 under the NSG Act, 1984.

The carry out commando action against the terrorists.

They can however act only with the prior permission of the concerned State government and function under the Cabinet Secretariat.

4 (ii)   **Special Protection Group**

Special Protection Group was established under the Cabinet Secretariat by the 'Act of Special Police Force 1986.'

It provides close protection to the VVIPs and the Prime Minister and can act in the States with the State Governments forces.

4 (iii)   **Secret Service Bureau (SSB)**

Secret Service Bureau was formed in 1962 under the Cabinet Secretariat.

Its job is Training border population in self defence and organise action behind enemy lines.

3.   **The views of the various State Governments**

As already mentioned the Central Paramilitary forces have been facing resistance from the various State governments right from the 1960s this has intensified more over since 1979 when non-Congress governments came to power in many States, in West-Bengal during the GNLF agitation, in A.P. in 1985 and in Tamil Nadu very recently (1991). Their presence today despite worsening law and order situation and Internal Security scenario, is looked upon with suspicion by the State administrative machinery. Whether this is due to imbalance of power distribution or jealous guarding of their few rights on the part of the State or even misunderstanding, is irrelevant. In recent years a number of States at one time or another have spoken out against such deployment.[3] In view of present scenario it is imperative that their views be listened to and paid heed if the system has to function effectively. In a questionnaire by the Sarkaria Commission some States had controverted the ARC report on Centre-State relations and opposed such Central intervention. But a majority agreed with the recommendations of the Report along with certain suggestions.
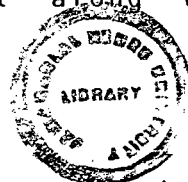
According to most, as a general policy armed

forces of the union should be deployed in a State with the consent of the State government concerned unless its a matter of national security and a State government adopts an intransigent attitude. Thus the power of suo-moto stationing of paramilitary forces should be used sparingly.[8]

The State government cannot afford to build police forces to a strength that would meet all contingencies. They would have thus necessarily to draw upon the assistance of the union para-military forces when the situation so demands.

The governments of West-Bengal and Kerala[9] however do not totally agree with the recommendations of the ARC report. They feel that the constitutional responsibility of a State and its limited autonomy in regard to 'public order' and 'police' have been eroded by the union through the creation and expansion of its police forces. They feel that the insertion of Entry 2A in List 1 and the simultaneous amendments of Entries 1 and 2 of List II i.e. the passage of National Security Act and the disturbed areas act of 1976 have led to the encroachment of Central Government in the field of State jurisdiction.

They further feel that as neither Art 352 nor Art 356 sanction the 'suo-moto' deployment of Central Forces, Art 355 cannot be deemed to confer this power on the union. It goes against the 'spirit of the constitution and violates ts federal structure as 'Public Order' and 'Police' are State subjects. Thus the paramilitary forces should be deployed only on the request of the State government concerned. They should also when so deployed be under State jurisdiction. Their privileges, liabilities, powers and area of jurisdiction should also be determined by the State Government. And their terms and conditions be fixed on the basis of consens between the Union Government and the States in the Inter-State Council.

A majority of the States however feel that the deployment of these forces puts them under heavy financial burden that cannot be easily borne by the State. They believe that the Union Government should reimburse 40% of the cost of deployment. This complaint does not arise from the States of J&K, Manipur, Tripura & Sikkim which have been exempted from the payment of charges of the deployment due to security reasons.

4   **The view of the Central Government**[10]

The Union Government does not agree with the

suggestions of the government of these States. It holdsthat as Internal security vide Art 356 and 352 and maintenance of national unity and integrity is the responsibility of the Union Government it cannot abdicate its authority. If the consent of the State was made a precondition, the Union Government would not be able to discharge its duty under Art 355. Besides ordinary Law and Order are not a part of Art 355, thus the State powers can co-exist in harmony with those of the Union.

Similarly as they are deployed in order to help the State police it is the duty of the State Government to maintain and pay them. As it is the union grants are quite large to take care of their deployments. The issue continues to be much debated.

Another issue which becomes very important especially in the functioning field is-.whether State Governments have become increasingly dependent on the Union para-military forces in matters of public disorder excluding abnormal situations like terrorism, state wide violence etc.

These issues combined with increasing internal security scenario of caste and community divides,

ethnic explosions in the country are axing at the very
root of national security. Internal subversion and
external sabotage have already reached their zenith in
Punjab, Jammu and Kashmir, and in N.E. India from time
to time. The problem further gets complicated when
available evidence partly suggests failure of State
Police in dealing with such out breaks. All these
factors have from time to time led to the utilization
of para-military forces mostly with the express
consent of States but the increasing complaints by the
various States that they are forced to agree to the
deployment of paramilitary forces under Central
pressure needs examination.

In order to explore the various aspects of the
problem two case studies have been taken below to high-
light the various aspects of the problem :

A) **The 'Gorkha National Liberation Front'
   Agitation - (GNLF)**

The problem began as an accumulation of socio-
economic grievance of the Nepali Dominated Darjeeling
areas and its surrounding districts. It took a
militant form in 1983-84 period under the leadership
of Subhash Gheising and the GNLF. The leadership of
Subhash Gheising protested against the indifferent

attitude of the CPM led West-Bengal Government towards the development of the Darjeeling district. The Government also denied the share of benefits to the region earned out of the three T's - Tea, Timber and Tourism, to the area. This neglect affected not only the living conditions but also the social fabric of the population resident in the region. The agitation had reached dangerous proportions by 1985. They demanded a separate State of Gorkhaland. Their major demands were :-

(i)   Declaring the area as a autonomous region which was to be administered by an elected council.

(ii)   Including Nepali in the 8th Schedule of the Constitution and declaring it a national language.

(iii)   Sharing of resoures earned through Siliguri district.

(iv)   Demand for Gorkhaland comprising of Siliguri District, Jalpaiguri and Tati Rao where Nepalese are in a majority and Darjeeling district.

In order to impress upon the West-Bengal

Government that they were serious the GNLF gave a call for a 72 hrs. Bandh in May 1986. The Bandh was extremely successful and for the first time showed dramatically the total grip of GNLF over the Region. "The situation could have been controlled had the CPM, CPI & Congress(I) government at the Centre not encouraged the GNLF at different times for narrow ends."[11] The West-Bengal Govt. on its part chose to rely more on its cadres than on its officers posted in the district and kept on taking one wrong step after another. First it ignored the problem despite massive looting, arson, killings taking place and ignored all administration's advices. This led to the collapse of the administrative intelligence system as neither its cadres nor the administration was able to penetrate the GNLF ranks and set up a network. It further gave no help to the Union Government and used the situation to highlight the support that Darjeeling Congress Committee members were giving to the GNLF leaders and supporting the movement. They believed at the juncture that as GNLF movement had no ideology it would collapse before long.

The Central Government on the other hand did nothing to stop its District Congress Council from

supporting the agitation but merely treated it as a law and order problem that could be used to needle the West Bengal Government and score points. While accusations were flying situation worsened even more. The West Bengal Government belatedly took steps to retreive the situation but could not be successful. The local police went over to the GNLF, Arson & looting continued. It then called for Paramilitary forces. However due to its unwillingness to deploy them in full strength for patrolling all sensitive areas it was confined to certain pockets and did not get the support of the West Bengal Government fully. The intelligence system was already in Shambles. This plus the lack of proper direction due to political bickering between the two Governments led to much heart burning and to further chaos. The State Government was so dependent on its cadre that they besides the BSF and the CRPF was virtually running a parallel State Government. With the GNLF already running its own Government there were three governments functioning at the same time. However, the situation became very dangerous when certain documents were apprehended which showed extra-territorial interference. Central Governent also received information that large sums had started flowing for the GNLF from Nepalese Banks, Hong Kong,

Singapore and other S.E. Asian countries. In such a situation despite the appeals of the W.B. Chief Minister that the movement was becoming anti-national and that the centre should take an initiative, the Central Government istead of objectively considering it anti-national used it for partisan ends and then when situation went totally out of control unilaterally entered into negotiations with the GNLF and sent two more battalions of BSF and the CRPF to add to two batallions of each already stationed there. This was resented by the West Bengal Government which made no arrangement either for the transportation or housing for the Jawans.

In June 1986 finally after much negotiations the Central Government instructed the then Home-Minister to give all possible help to the West Bengal Government and also warned the local Congress (I) men to give up their unhelpful attitude and help the State Government in resolving the issue. This Centre State conflict was directly related to the fact that Bengal was to go to the polls six months later and both Governments were using the issue to jockey for power in the State.[12]

Better sense however prevailed. The joint

action by both Government certainly had its effect. the para-military forces worked under a single united command and the tough work of the BSF and CRPF was certainly beefed up by the committed State officials in curbing the GNLF activities when the situation was beyond even the Police Armed constabulary of West Bengal.[13]

Due to relentless action by the para-military forces and the State amdinistration at last the movement could be controlled and GNLF brought to the negotiating table. It would not have been possible to control the situation had the para-military forces not been there nor if they had not been given commendable support by the State officials in later days. The GNLF accord was signed on 24 March 1988.

The analysis of the above would indicate that had both the governments acted concertedly and timely action been taken the issue would have taken a different turn and national security would not have been put to jeopardy. That too in an area known for its volatility and sensitivity (China has a long border with our N.E. States). And all this because of mutual acrimony and perception of the Central and the State Governments. The State Government for not

asking for timely help and Central Government to use it as a political tool to jockey for power.

B)   **Reservation Riots in Bihar (1977-78)**

Just after the State assembly polls of 1977-78 the Chief Minister of Bihar was Shri Karpoori Thakur who was at the time heading a coalition government of BLD and Jana Sangha. The BLD faction in order to strengthen its hand decided to make 26% reservations for OBCs along with 24% reservations already made by the Government. This created an explosive situation in the State with potential fall out in the whole of North India.[14] Feelings ran high amongst the students. The situation took a serious turn when on 14 March 1978[10] disturbances broke out in Patna and several other towns as a result of clashes between the Pro-reservationists and the anti-reservationists led by MLAs not only of the opposition parties but also by faction within the ruling Party headed by the Jana Sangha students union ABVP and Janata Yuva Morcha.[15]

Because of caste polarisation even the police was divided along caste lines. On 31 March 1978 anti-reservationists clashed with the police which led to the death of 3 people. The outbreak of large scale violence and fact that a significant number of the

ruling party legislators threatened to revolt against the Bihar Ministry forced the Janata Government to send in four battalions each of the BSF and the CRPF to control the situation where State police itself had got divided.[16] This deployment was resented by the Pro-reservationists and the Chief Minister, but under Central pressure he had to bow to Central Command. The 'suo-moto' deployment of the para-military forces the division at the Central and State levels along caste lines made a mockery of the fact that a State Government was of the same party as at the Centre, and despite knowing all the ramifications of its effect on national alliance went ahead with the move and nearly destroyed the Janata Party. Under the onslaught of the Para-military forces for over two weeks, the situation was brought under control and the formula remained unimplemented.

An objective observer will clearly see that had these forces not been deployed suo-moto in Bihar the agitation would have spread to U.P., Haryana, Gujarat and Rajasthan the four most sensitive States regarding caste riots. It would have led to total chaos and could have had far-reaching ramifications on our whole system especially the State Police forces which were actively involved in playing partisan roles.

para-military forces acted as a deterrant and contained an explosive situation which would have fanned out in God knows what direction and lead to internal security problems.

5.   **The major Irritants**

The study of above incidents will clearly indicate that there is very little difference between maintenance of law and order and public disturbances which are later converted into National Security problems, if timely action is not taken by the concerned governments   use of para-military forces becomes a necessity. This is due to many reasons that act as irritants between State Governments and Central Governments if they are of different   parties/or opposing faction in a coalition government. They are:

1)   **Irritants for the States**

    i)   Deployment of Paramilitary forces 'suo-moto' due to political reasons or mere high handedness without consulting the concerned State Governments even if the problems is being tackled efficiently by the State Government.

    ii)   Refusal for deploying   forces in a

deliberate effort to humiliate a State Government or dispatch troops later or when the situation becomes totally unmanageable.

iii)   Excessive deployment of Para-military forces.

iv)   The Armed Forces act under Section 132 CRPC-73 which lays down the "No prosecution against any person for any act proporting to be done under section 129, sectin 130, or section 131 shall be instituted in any criminal court except :-

(a)   with the sanction of the Central Govern- ment when such a person is a member of the armed forces

(b)   with the seanction of State Government in any "other case".

Thus no enquiry can be conducted by the State Government into any action taken by a member of the Central Forces in pursuance of duty when aiding the State authorities. Action can only be carried out as under the MHA. This leaves no scope for the State Government to either check or question the misbehaviour and at times the high handedness of the Paramilitary forces. It also passes wrong signals to

the population about the concern of the Central Government and the failure of the State machinery and thus ridicules the State authority.

v) It has a very bad effect on the morale of the State law enforcing machinery.

vi) Perception of the State that the Central Government is interfering in the State administration.

vii) Provision of giving additional powers to the Para-military force through enactment promulgation of special laws which may be more than what the State government might want to give or has been decided between the Union and State Governments.

viii) Over-reaction of the Central Government which acts 'trigger happy' and power drunk'[17] and creates long term effects which may adversely affect the State governments image.

b) The Centre on the other hand feels that :

i) States neither give timely information regarding a problem nor do they think of national security when they let problems fester.

ii) Good intentions of the Central Government are seen with a myopic view by the State governments keeping in mind not the nation but their political objectives, short term goals and interests which create fissiparous tendencies and lead to linguistic, regional and caste riots.

iii) Un-cooperative attitude of the local administration and State administration.

iv) Supporting the cause of their interest group and making the para-military forces the whipping boy for any action that may be right but may produce unsavory results like losing of votes of a particular block or other political ills.[18]

In view of the above, many arguments regarding the deployment of Paramilitary forces have been given while there is total consensus that the para-military forces are a necessity for an evolving society like ours facing many problems, their role frame work has differed from various angles.

Law and Order is an exclusive State subject for policing is a function that requires close

identification with the people and their cooperation. The military psyche has no place for cooperation. At the root of the misemployment of the para-military forces is this factor. The BSF and the CRPF cannot be expected to operate like a police force if they are organized trained and employed as semi-miliary bodies. They are to appear at a psychological moment to break the ranks of the dissidents not to act as police men.[19] Today their effectiveness has come to be questioned as never before especially in regions like Punjab and J&K. In the process their standing has been devalued and they have become only a parallel police force.[20]

Over the years dependency on these forces is providing an easy method for State administrations to evade their responsibility. It lets them continue with their political machinations at the State level and blame the para-military if they take strict action in carrying out their duty. According to Rustomjee, The way the Centre has squandered all paramilitary reserves is an index of the general ignorance of the fact that reserves are the real strength of any law-enforcing agency. Reform consists in our scheme in just raising the strength of the forces not in increasing the Powers and capabilities of each contable.[21]

Today hardly any State can deal with serious unrest with its own resources as amply shown by statistics, that after 1969 an abortive attempt in 1985 in A.P. there has been no instance so far, of friction having been generated between the States and the Centre for restoring law and order. This dependence has severely eroded the moral authority and the legal positions of the States. The present day deployment pattern indicates that the Military has become para-military and para-military forces have become police, whereas the State police the major law enforcing agency and the mainstay of Law & Order enforcement has stopped functioning. How far this proliferation and increase in number be able to bear fruit in the long run is a point for consideration.

Commenting on the use of the Army, General **S.K. Sinha** feels that the constant utilisation of the Army and para-military affects not only their training and discipline but also their apolitical nature. It would affect their professional standards and may lead them to act in excess or wrongly which would not be in the interest of National Security as it would spoil their relations with the people who act as Army supply lines and backers when in need in case of war.[22]

The problem facing all democratic Governments is to act without infringing upon individual rights. However as in case of Punjab and J&K where organized terrorism exists our laws are woefully inadequate. Indian Laws & Penal Code make no real provisions for them. Thus action is limited to a Procedural laws backed by orders to the paramilitary forces. But their training is military oriented their functions fall short of requirements and are far to inadequate to get the requisite results.[23]

The various academics mentioned above feel that State law and order apparatus must be strengthened to deal with such problems on their own. For it would have its effect on National Security psychologically, administratively and would be strategically wrong and create adverse effects.[24]

6.   **Recommendations of the Sarkaria Commission**[25]

   i)   The Sarkaria commission Recommends that the existing constitutional relationship should not be changed. However before sending its armed forces in areas declared "Disturbed Areas" it is desirable that the State be consulted by the Union Government even though prior consultations are not obligatory.

   ii)   Each State Government may work out in

consultation with the Union Government short term and long term arrangements for strengthening its armed police so as to largely become self reliant in the matter of Armed Police so that the assistance of the Union forces will be necessary only in cases of very severe disturbances.

iii)   The States can together through zonal councils make arrangements for the use of PACs of each other and use the Union armed forces only if their combined strength is unable to stem the trouble.

iv)   The various recommendations of the National Police Commission in their seventh report for improving the effectiveness and morale of State police be brought into effect and for the consideration of the State Government.

v)   The Central government must use its discretion regarding a problem as 'law & order problem' or Internal Security problem' more objectively and in the spirit of the Constitution.

vi)   Finally there should be a system of interchaning of officers between the State police and the Para-military forces so as to facilitate better exchange of techniques and information for better coordination when in need.

FOOTNOTES & REFERENCES

1. Government of West Bengal, "Memorandum on Centre-State Relations", 1977 (Government of West Bengal).

2. Government of India, Home Affairs (Ministry of), Report on Centre-State Relations (1988) (Chairman Justice R.S. Sarkaria). Hereafter referred to as Sarkaria Commission Report, 2 Vols.

3. CAE, R.S. Administrative relations between Union and State relations in India (Delhi, ICPS, 1969) pp. 7-9.

4. JAIN, M.P., Indian Constitutional Law (Bombay; N.M. Tripathi, 1978 edn) p. 314.

5. GEHLOT, N.S., "Indian Federalism and the Problem of law and order" - Journal of Constitutional & Parliamentary Studies Vol. XIV, April-June, 1980 p. 268.

6. Ibid; p. 271.

7. Sarkaria Report. op.cit. p.

8. GEHLOT, N.S. op.cit p. 273.

9. Sarkaria Report Vol II.

10. Sarkaria Report, Vol. I; op. cit. p.

11. The Times of India, 12 May, 1986.

12. Hindustan Times, 6 June, 1986.

13. Telegraph, 30 December, 1987.

14. Northern India Patrika, 9 March, 1978.

15. Ibid; 28 March, 1978

16. Hindustan Times, 4 April, 1978.

17. SINHA, S.K., "Army and Politics : What it means to be apolitical" - Statesman, 1 May, 1984

18. SINHA, S.K., "Policing the Army : Grave danger signals ahead" - Statesman, 9 October, 1984.

19. RUSTOMJEE, K.F., "Soldiers as policemen : Perils in riding a military tiger." - Statesman, 18 January 1985.

20. KHANNA, K.C. "Maintenance of Public Peace: abuse of Paramilitary forces" - The Times of India, 15 August 1984.

21. RUSTOMJEE, K.F., "Army of Civil Power" - Deccan Chronicle, 18 June, 1984.

22. <u>Statesman</u> 1 May 1984, <u>op.cit</u>.

23. VAS, E.A. "Lawless laws" - <u>Seminar</u>, No.(302),October
     -1984.

24. TAPAN, M.L. "Policing" - <u>Seminar</u>, (252), August -
     1980.

25. <u>Sarkaria Report</u>, op.cit. p.

CHAPTER - IV

AN INTEGRATED ENVIRONMENTAL POLICY
IN THE FEDERAL CONTEXT

1.   **INTRODUCTION**

In ecology environment means all those factors which affect the survival and reproduction of living organism.   When we talk of the pollution of environment, we essentially mean that a source whether natural or man-made is rendered unfit for some beneficial use due to physical, chemical or biological factors.   In a country like India where the population explosion is too high, the problem of environmental pollution is further aggravated by both poverty and under-development as well as by the negative effects of the very process of development.

At the International level the Stockholm Declaration of 1972 to which India was a signatory, was the first step towards this end.   It was here that India along with other 112 participating nations resolved and affirmed that preservation and improvement of human environment was their bounden duty.

This concern of India was articulated for the first time in the Fourth Five Year Plan 1969-74.   The Plan drew our attention to the environmental issues in

the words : It is an obligation of each generation to maintain the productive capacity of land, water, air and wild life in a manner which leaves its successors some choice in the creation of a healthy environment ... Planning for harmonious development recognizes this unity of man and nature. Such planning is possible only on the basis of comprehensive appraisal of environmental issues particularly economic and ecological.

In keeping with the resolution the 42nd amendment was passed in 1976 by which Article 51A was added as fundamental duty. The subject 'Forests' was also transferred to the concurrent list. According to Art. 51A it was the duty of every citizen to protect and improve the environment and safeguard forests and wild life.

2   **The problem of environment protection and man's attitude to nature**

Environmental problems in India can be classi-fied into two broad categories :-

a)   those arising from conditions of poverty and underdevelopment;

b)   those arising as negative effects of the very process of development.

A broad outlook at some of the major environmental problems in India lie in four major sectors:-

   i)   land & water resources

  ii)   Forests

 iii)   natural living resources

  iv)   environmental pollution

(i)   **Land & Water Resources**

Over the years we have paid a good deal of attention to harnessing our resources by way of construction of major, medium and minor irrigation projects and the development of ground water resources. Adequate organizations have also been built up in the shape of Central & State irrigation departments, the Central & State Water Commissions and the Central & State Ground Water Boards and Land Development Boards. However, very little attention has been paid to the proper management of our land and soil resources with the result that they have suffered very serious degradation. Today 175 million hectares out of the country's total area of 304 million hectares for which record exists[±1] are subject to environmental degradation.

TABLE - 1

	Area (in million hectares)
Serious water and wind erosion	150
Shifting cultivation	3
Waterlogging	6
Saline soils	4
Alkali Soils	2.5
Diara Land	2.4
Other culturable wasteland fit for reclamation	6.6
Total : Mil.hect.	175

SOURCE :   Report of the Committe for recommending legislative and administrative machinery for ensuring environmental protection.

(ii)   **Forests**

Similarly the extent of forest cover is a good indicator of our environmental health as forest not only sustain a variety of flora, fauna and various species of natural living resources but also control floods and soil erosion.   "The paucity of India's forest cover is apparent from the fact that of the 75 million hectares classed as forest lands, less than half is actually under adequate tree cover, and as much as about 20 million hectares of forest land is estimated to be affected by erosion.   No more than about 12% of the country's land surface is actually under adequate tree cover as against the target of 33%

prescribed by the National forest policy of 1952. Further, although 13 million hectares are classed as 'permanent pastures' these areas are infact generally without any vegetation on account of either overgrazing or encroachment. An assessment of the animal grazing land ratio in some major States will clearly show how much pressure the lack of maintenance of the requisite grazing land is putting on the forest resources of the country. Tamil Nadu has only 1.3 million hectares under permanent pasture to support 24.1 million cattle i.e. 135 animals graze on one hectare of land. In Maharashtra the ratio was 14 animal grazing on one hectare of land. Similar was the case in Orissa, Gujarat and Arunachal all having much higher pressure of grazing animals as compared to the standard fixed i.e. one animal per acre."[+3]

(iii) **Environmental Pollution**

Similarly as far as environmental pollution goes (air pollution, water pollution, noise pollution and land pollution) have crossed international limits set by the various agencies and yet the implementation of the plethora of laws remains un-implemented.

The basic reason for our failure to achieve the objectives of our environmental policies are :-

a)   lack of upto date & adequate laws

b)   overlapping of various Central and State laws

        working many a times at cross purpose

c)   lack of implementation

A broad survey of our 200 environmental laws by the Tiwari Committee showed some basic flaws. Many existing laws primarily promote development and resource utilization for specific economic benefits without careful analysis of long term effects on the environment. This is even more true of the State governments. "For the main reason for the failure of the State committees on environment was that "environment" was seen by the State Governments as another sector of development, that is, another subject area for which fresh allocations of people, money and materials had to be provided from within already overstrained budgets. Environment has therefore never been considered as a kind of new management approach that needs to prevade every existing sector of the economy."[4]

3   Constitutional Provisions

Although the expression "environment" did not find place in the constitution adopted in 1950, certain directive principles contained in it are

related to environment. Article 47 provides that the State shall endeavour to raise the level of nutrition and standard of living and to improve public health.

(Art 48 : state to organize agriculture, animal husbandry.

Art 49 : state to protect every monument and place of historic interest or national importance from spoilation, disfigurement, destruction etc.)

However it was not until the 42nd amendment in 1976 that environment protection figured in the constitution. **Art 48-A** was added which enjoined the State to endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. **Art 51-A** was also added in which it was the fundamental duty of every citizen of India to protect and improve the national environment (whereas under Art 21 every person can claim the right against pollution but the duty is only of the citizens).

4   Environment related Laws & Subjects

The addition of these two provisions did indicate that the government had become consciuus of the phenomena of environment protection and that these provisions could serve the function of providing a constitutional footing for further legislature and

administrative action at the centre, state and local levels. Nevertheless, by no stretch of imagination could they be called a complete and self contained framework for national environmental order adequate to the needs of the country. "At best both at the Central level and the State level these were isolated attempts, unaccompanied by any national environmental policy declaration or a coordinated attempt between the various antiquated and not so antiquated laws at the Central and the State level which not only work at cross-purposes but also have deleterious effects on the environment."[5] This despite the fact that various State Boards have been set-up which have been encouraged by the NCEPC (National Committee on Environment and Planning set up in 1972) to act as nodal agencies at the Centre for the States. Some State laws, particularly on land use and management of environmental resources appear to be accomplishing self defeating social objectives, where such resources are shared by more than one State, legislation enacted in one State may have adverse environmental implications for a neighbouring one. Not only this but there is no provision in the Constitution which enables the Union government to enact laws pertaining to environmental issues uniformally applicable to all the States. At present enteries in the Constitution have

tended to generate jurisdictional problems between the Central and the State governments. A perusal of the subjects included in the VII Schedule would bring this fact out most clearly :-

i) **List I (Union List)**

a) 52 - Industries

b) 53 - Regulation & Development of oil fields and mineral resources

c) 54 - Regulation of Mines and Mineral Development

d) 55 - Regulation & Development of inter-state rivers and river jalleys

e) 57 - Fishing and Fisheries beyond Territorial Water.

ii) **List II (State List)**

a) 6 - Public Health

b) 14 - Agriculture, protection against pests & prevention of plant disease.

c) 18 - Land, colonisation etc.

d) 21 - Fisheries

e) 24 - Mines & Minerals subject to the provisions of List I.

f) 25 - Industry subject to the provisions of List-I.

iii)   **List-III (Concurrent List)**

a)   17-A Forests

b)   17-B Protection of Wild Animals & Birds

c)   20 - Economic & social planning

d)   20-A Population census & planning.

It will be observed from this division of subjects that since Public Health, Agriculture, Water, land, fisheries etc. are state subjects, environmental measures relating to these matters can exclusively be taken only by the State governments. In regards environmental pollution by industries the measures can be taken by the Central government or the State government according to the control taken by the Central government or left with the State government. These measures can be related to 'factories' under Act 36 in the Concurrent List, and Central legislation can be taken in regard to the air pollution by the factories. The only direct entry under the Concurrent List relating to this subject is Forests (Entry 17-A). Protection of wild animals and birds (Entry 17-B) and social planning (Entry 20). Of course there are the Residuary powers under Art 273 mentioned in Entry 97 of List I, but powers under this Entry can be restored to only to an extent, till these do not impinge or transgress the powers exclusively vested in the State

under List II particularly in regard to land, water, fisheries etc. The jurisdictional problem like the following may otherwise crop up for example, while the regulation of inter-state transportation (especially railways and national highways) shipping & navigation, exploration and extraction of mineral resources fall within the jurisdiction of the Union government, the State governments have legislative authority for ownership, management and the use of natural resoruces such as water and land.

Immediate action is therefore possible in regards to Forests and protection of wild animals and birds as well as regards factories but not in other equally important areas. In regards to forests and protection of wild animals and birds, not only can the Central government control their preservation and protection but certain forests and sanctuaries of national importance can be acquired by the Central Government under its powers of acquisition of property under Entry 42 of the Union List. In the **State of West-Bengal v/s Union of India (1964 S.C. Reporter Vol. I, pp 371)**, the Supreme Court has held that it is competent for the Union to acquire lands (including forests and sanctuaries) vested in the State. The majority held that :

"The Constitution of India is not truly federal in character. The basis of distribution of powers between the Union and States is that only those powers which are concerned with the regulation of local problems are vested in the States and the residue, specially those which tend to maintain the economic, industrial and commercial unity of the country, are left to the Union. Even if the Constitution were a federal type and the States regarded qua the Union as sovereign, the power of the Union to legislate in respect of the property situated in the State could remain unrestricted. The power of the Parliament confered by Entry 42 is not restricted and is capable of being exercised in respect of the property of the States also."[6]

Thus what one sees is that the matters concerning environment too are to be regulated by the normal scheme of division of legislature and adminis- trative powers between the two tiers of Government. Besides the division of power it is possible that by virtue of Art 246, legislation passed by the Indian Parliament concerning matters in the Union and Concurrent List are paramount. The Parliament has also been empowered under the same article to pass legislation with respect to any matter for any part of

the territory not included in a State, inspite of the fact that such a matter might have been a part of State list. The Constitution also provides under Article 251 that if two or more States so consent, Parliament can directly pass a Central legislation applicable to them. Indeed, the "Water (Prevention and control of pollution) Act, 1974, was passed by the Parliament with the consent of 14 States. Indeed by virtue of Art 248, 250, 251 & 253 the Parliament has great potentiality in terms of future action, which is required to solve the multi-dimentional problems of environmental management. As it is despite so much of possibilities present in our Constitution our Constitution till date has no clear environmental policy that leads to an integrated and cohesive approach to the problem. According to many environmentalists especially with regards to cohesive Centre-State relations, the subject of "environment protection" should be made a specific and a separate entry as a concurrent subject so that both the Parliament and the State legislatives can concurrently enact laws on the subject and at the same time vital legislations passed by the Parliament can have predominance over the State laws.[7]

From the above it is very clear that the Parliament has always had unlimited powers to pass any

pollution, the Central Board also acts as the State Board for all the Union Territories. While exercising its powers, the Central Board is bound by the directives of the Central government whereas the State Board is bound by both Central government and the State government. However, if the directive of the State government is inconsistent with that of the Central Board, the matter is to be referred to the Central government. However, since this act has been created under Art 252 the States which are not a party to the act have different laws which has thus created an anomaly and the very purpose of vesting this power is frustrated, besides the Centre has been unable to incorporate many effective features of the ious State Acts. For example - Section 49(1) provides that "no court shall take cognizance of any offence under this A^{ct} except on a complaint made by, or with the previous sanction in writing of the State Boards...." where as in Orissa River Pollution Act 1954, one of the first Water Pollution Control Act in India, similar rights as to the State Boards have also been given to the individual. Now if this had been included in the Water Act 1974 the Act would have been much more successful.

Another functional short coming is that State

Boards have to send any draft of a law that needs a change, to the Central government, and not the State government and if one goes by the normal time taken by the Central government to accept these proposals and prepare a draft for circulation among the State governments in order to get the constitutionally required enabling resolutions to amend the act, a lot of damage to the environment would go unchecked. It would be much faster if State Boards could directly send their proposals to the State to prepare a draft amendment and get Central government's approval. The Central government is likely to be more attentive when a State legislature makes a request.

6   The Air (Pollution & Control) Act, 1981

Even though no attempt was made till recently to enact comprehensive legislation for prevention and control of air pollution, India has had laws on air pollution for the last 79 years. The Bengal Smoke Nuisance Act came into being as early as 1905 and Bombay and Kanpur followed suit in 1912 and 1958. Many other States extended the Application of Bengal Smoke Nuisance Act to their States in modified forms. However, all these legislations were not only insufficient but also at cross purpose from each other besides they were mainly concerned with Industrial

Smoke. Different States not only had different smoke emissions standards but also covered different industries in different States. Same was the case with the Motor Vehicles Act 1939 which confers legal powers on State Governments to make rules regarding emission of smoke, visible vapour etc. However the Act does not fix any criteria for emission of exhaust fumes, noxious gas, monitoring and surveillence and an enforcement agency thus, the act is anomolous in many States.

The Government of India appointed an expert Committee on air pollution in 1970 to suggest suitable means for control and to draft an Central Air Pollution Bill. The new framework almost follows the one set by the Water Act. Since the government's view is that there should be an integrated approach for tackling the environmental problems, particularly relating to pollution therefore under this Act the Central Board for the prevention and control of water pollution constituted under the Water Act 1974 will also act as the Central Board for Air Act. Similarly the various State Boards under Water Act would also act as State Boards for Air Pollution Control.However this act was enacted by virtue of Act 253 (read with entry 13 of List I) of the Constitution to honour an international

agreement and as such is designated to be extended to the whole of India and as the Water Act is so far not acceded to by some States, it is proposed to constitute separate State Boards (The Central Board would be the same) for the prevention and control of air pollution. Thus till such a step is taken the jurisdictional problems are likely to continue and air pollution control becomes the final victim.

7   Forest Conservation Act 1980

It was passed to amend the forest conservation Act 1927. The subject "Forests" was originally enumerated in the State List. The 42nd Amendment to the Constitution (1976) transferred the subject from the State List to the Concurrent List (17A of List III), and thus the "Forest (Conservation) Act 1980, annexure 14-1) was enacted by the Parliament to prevent further indiscriminate deforestation. Section 2 of the Act provides : "Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

(i)   that any reserved forest (within the meaning of the expression "reserved forest" in any law for

the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii)   that any forest land or any portion thereof may be used for any non-forest purpose";

The explanation to Section 2 states that for the purposes of that section "non-forest purpose" means "breaking up or clearing of any forest land or portion thereof for any purpose other than re-afforestation".

There is no delegation to the States under the Act and all proposals touching forests have now to be submitted for approval of the Union Government.[8]

This act has created a lot of resentment in many States as it has hindered the execution of various developmental schemes. The main complaint of the State Governments relates to the restrictions imposed under Section 2 of the Act i.e. it takes away the executive powers of the State Government which they had under the Forest Act 1927 whereby they were totally free to determine all matters relating to dereservation, whereas the Act of 1980 results in total centralization. They complain that even for minor projects where deforestation is only of a very

small percentage they have to seek central permission. Mainly though most State do not resent the transfer of forest to the Concurrent List but only want a certain autonomy and some powers to sanction small deforestation for essential projects. However, the States of Gujarat and West-Bengal want forests back on List-II by restoring Entry 19 which was deleted by the 42nd Amendment as it has hardly stopped the excessive and illegal deforestation.[9]

But the fact remains that deforestation is a serious national problem. It thus inevitably follows from this admission that conservation of forests is not an exclusive State concern. Therefore the matter cannot be put back into State List. Besides except conservation of forests all other related forests areas still remain with the State Governments.

According to most States clearance of projects and procedure under Section 2 of the Act leads to unwarranted delay in the clearance of the projects. However, the DOE does not agree as it says not only has the procedure been streamlined but the delay occurs largely due to States' furnishing incomplete information despite being given clear guidelines. Besides whatever the State Governments may say the

Forest Act 1980 has enabled the Government to drastically reduce the diversion of forest lands to non-forest uses.[10]

However in view of the large number of cases which are 'closed' there is a need for reopening them if they have been closed due to lack of information, for it is not a desirable course of action for in the existing arrangements, there is no delegation at all to the States in regards to diversion of forest land for other uses even for small things like sinking of a well or building a small school. It thus obviously has an adverse impact on local development at the village level therefore, certain amount of delegation to the State is necessary.[11] The delegation of authority is also necessary because both governments have to act in consert. Besides some of the aspects of Forests Act directly impinge upon matters in the State List, their successful implementation depends in no small measure on adoption of a procedure based on close consensus and cooperation between the Union and the States. According to the Tiwari Committee therefore it would be much better if clearance under Section 2 of the Forest (Conservation) Act should be given as far as possible simultaneously with the project clearance by the Government of India. Besides

a lot of effort and time would be saved if the Central agencies are associated with the formulation of large projects involving reserve forests, right from the beginning so that adequate measures not only to compensate but also to improve forests, right from the beginning can be taken, and adequate measures not only to compensate but also improve forest resources can be built into them ab initio."[12]

8   Need of an Integrated Environmental Policy

(1)   The Tiwari Committee's[13] major recommendations was the need for a National Environmental policy. It recommended that in order to give a unified focus to all measures (legislative and administrative) for environmental protection the government should adopt a National Environmental Policy.   For the purpose it said that there should be a Department of Environment and a revamped National Committee on Environmental Planning & Coordination.   This was necessary if poor (or non-existent coordination between the various departments and between the Centre and the States was to be avoided.   The DOE (Department of Environment) should develop suitable linkages with the State Governments and convene periodically meetings of State Government to review environmental issues of mutual interest and the constraints in tackling them.   The

NCEPC would on the other hand not only advice the DOE but ensure that proper support be provided for the various State Committees such as pollution authorities. It would also act as a 'full time' watchdog to oversee environmental planning, monitoring and protection and prepare state of environment reports for Parliament and the government.

(2)   Some of the laws in force particularly with regard to land use and management of environmental resources appear at times to be accomplishing mutually defeating social objectives where such resources are shared by more than one state, legislation enacted in one state may have adverse environmental implications for a neighbouring one, in such cases the NCEPC was to act as a co-ordinating agency.

(3)   The Committee recognises that it is in the national interest to preserve and maintain key areas of our unique natural heritage, including representative areas typical of the physical beauty and character of the country celebrated in the literary and oral culture from time immemorial. These representative areas of genetic wealth, special geomaphological interest or areas that form threatened habitats of endangered species of wild life should be

declared as 'Biosphere Reserves'. The Committee recommends that through appropriate legislative support the Central Govt. may assume direct responsibility for the management and funding of Biosphere Reserves. This responsibility may vest with the Department of Environment.

(4) The administrative set-up that it proposed was two tiered. Figure I indicates the overall scheme within which the DOE & NCEP would function Figure 21 indicates its counterpart organization at the State level.

(5)   **Role of State Government**

(i)   **Organisational Arrangements**

The Committee was deeply aware of the crucial role to be played by State Governments in ensuring environmental protection. Figure 2 depicts a suggested administrative structure for coordinating the functions related to environmental protection at the State level. It is recognised that it would be difficult for all States to immediately constitute separate Departments of the Environment. Therefore in the initial stages an appropriate Administrative Department could be designated

to look after the planning and coordinating functions related to environmental protection. Strong technical support would have to be provided to the concerned Department.

(ii)   **State Land Use Boards**

As far as land management is concerned, the Committee has noted that most States have already set-up State Land Use Boards. These Boards are largely dormant and need to be activated so that they may work as effective counterparts, at the State level, of the proposed Central Land Commission.

(iii)   **Centre-State Linkages**

The Committee is happy that environmental issues have found specific mention in the Plan frame for 1980 to 1985 thereby affording an opportunity for the National Development Council to give consideration to this important field of national endeavour. The Department of Environment at the Centre can coordinate the collection of information and at the Centre can coordinate the collection of information and preparation of material for the consideration of NDC at periodic

intervals. As mentioned earlier DOE will, on continuing basis, maintain strong linkages with State Governments in respect of programmes for environment protection. The advice of the NCEP at the Centre will also be available to the State Governments in matters relating to policy-making particularly guidelines for carrying out environmental impact analysis.

(iv) **Creation of Cadres for Central Management of Biosphere Reserves and State Management of other Wildlife Reserves**

The Committee reiterates that for effective and scientific management of such reserves a special sub-cadre of scientific personnel be created within the forest departments of State and Union Territories. The personnel in this sub-cadre should be given intensive training in modern methods of wildlife management. The proposed National Wildlife Research and Training Institutes should be built up to provide the requisite training facilities to such personnel at different managerial and technical levels. The personnel should not be interchangeable with those in the regular forest services, but should be assured their

career advancement within their sub-cadre by extending the concept of flexible complementing. One member of the Committee, (Arjan Singh), however, felt strongly that a separate Central Wildlife Service should be created independent of forest services.

(v)

a)

Setting up of State Environment Committee (SECs)

The State Environment Committees (SECs) were set up in most of the States and Union Territories at the instance of NCEPC with a view to associate fully the various State governments and Union Territories in the important tasks of environmental protection. The SECs are expected to actively guide all environmental activities at the State level. The Chief Minister is generally the Chairman and the Chief Secretary is the Vice-Chairman of these State Committees. The other members of the SECs are drawn from representative development departments/agencies, research and educational institutions, State Planning Boards etc. A member secretary is responsible for convening the meetings of SECs and for coordinating all environmental activities.

ɔ)   **Role of SECs**

The SECs have a very important role to perform
as under :-

1.   focal point for initiating, reviewing and
monitoring all aspects relating to the
environment in their States;

2.   action relating to environmental educat-
ion and creating awareness;

3.   project appraisal at an early stage;

4.   siting of industries and incorporation of
environmental safeguards for development
projects;

5.   liaison with DST/NCEPC and with other
Government Departments, research and
educational institutions, and industries
in the respective States.

c)   **Meeting of the Member Secretaries of SECs**

A meeting of the Member Secretaries of SECs
was, for the first time, convened in the DST
on 3 October, 1978 to review their activities
and suggest programmes of action for
implemention.   Representatives of 12 States
attended this meeting.   While some of the
Committees, it was gathered in the meeting,

had made a reasonably good beginning, a large number of these SECs could not get out of the teething troubles. The SECs were urged to involve themselves right from the stage of project formulation to avoid ex-post facto analyses of the Projects after their submission to the Planning Commission and subsequent reference to NCEPC. It was also stressed that the SECs could play an important role in setting of industries and incorporation of environmental safeguards for various development projects at the State level, apart from establishing a linkage between the government departments, research and educational institutions and industries.

d) **Lack of Adequate State Support**

Most of the members attending the above meeting expressed difficulty in carrying out the above useful programme of action effectively mainly owing to utter paucity of staff. There was mostly no technical personnel for secretariat work for environmental appraisal of projects. Paucity of funds was a serious handicap so much so that some SECs did not even have financial support for setting up of

expert committees and for meeting meet
expenses on their deputation while visiting
project sites.

e)   **Need for Activation of SECs**

The present position is that most of the SECs
are not at all active mainly because of the
lack of financial resources. It is considered
extremely essential that the SECs are actively
involved in the environmental programmes in
their respective States if environmental
preservation and improvement is to be
meaningful. Grass-roots development in this
case is not visible presently. Also, the
State Governments are not likely to allocate
funds for staff support to effectively
implement the environmental programmes of
action emanating at the State level.

f)   **Financial Support for Activation of SECs**

Adequate financial support to the SECs is
therefore of utmost importance in order to
help build up a minimal staff infrastructure
to assist the SEC in implementing the
programme of action. Financial support will
also be necessary to meet expenses on account

of setting up of expert committees and deputation of members to project sites, preparation of status reports, and travelling allowances, etc. of staff. The actual financial liability would, of course, have to be worked out in consultation with the States after the proposal is accepted in principal by the Planning Commission. The item has been included in the Plan Approach Paper (Environment 1980-85) now under consideration.

g) There are two alternative schemes for providing financial assistance to the SECs, viz:

(i) a Centrally-sponsored scheme with 50 per cent of the expenditure met by the Centre and the remaining 50 percent borne by the State.

(ii) a fully Central scheme i.e. the entire expenditure would be borne by the Centre.

h) Owing to the financial stringency in the States, the alternative g(i) does not look feasible. The States may be reluctant to meet the remaining 50 percent of the budget expenditure. It therefore; appear that

only a fully Central scheme at this stage can bring about the desired activation in the SECs.

9   Conclusion

"IT LOOKS as if environmentalism is an idea whose time has come."[14] So writes Anil Agarwal in The State of India's Environment 1984-84. "Newspapers give prominent display to environmental horror stories. Editorials demand better management of natural resources. Government statements on the need to preserve environment are now common place ... There are new laws for control of air and water pollution and for the conservation of forests... Party documents and party manifestos take care to mention the importance of environment."[15]

And yet, Dunu Roy in the same volume remarks, "In the social system of India 1985, environmental myopia would appear to be a social disease."[16] Nothing expresses this better than "The Second Statement of Shared Concern" published in the same CSE volume,[17] where the signatories, after congratulating themselves for the 'progress' made in the last three years, go on to lament:

The Bhopal disaster has stunned those responsible for pollution control, and put fear in the hearts of millions of industrial workers and people living near factories. But Bhopal is not the only disaster. Subtle and invisible processes continue to undermine human and natural resource base ... Satellite data has confirmed that India is indeed loosing more than a million hectares of forests every year, something that forest departments have consistently and perversely sought to deny. All our hill and mountain eco-systems, the cradles of our life giving rivers are deteriorating rapidly. Even in heavy rainfall areas where forests should be in full bloom, the land is becoming a barren desert. Every day thousands of hectares of India's once rich bio-sphere slide into a vast wasteland; the only difference is that today the word 'wasteland' has become part of official vocabulary ... Environmental degradation threatens every Indian today.

.

The culprits have been both the central and the State Governments.

The only prohibition contained in S-2 is that prior approval of Central Government is necessary before any State Government or authority can pass an

order directing that any reserved forest shall cease to be reserved or that any forest land may be used for non forest purposes. There is no safeguard against the Central Government yielding to pressures from State Governments and rendering approval for a use of certain areas for non forest purposes if the party in power at the State belongs to the same party and the Government is in danger of falling.

Concentration of uncontrolled and uncanalized power located in whatever agency, whether Central Government of State Government is anathema to a democratic set up and is not conductive to well balances environmental advancement. Environmental expertise, independent decision-making, appreciation of valid environmental criteria, invulnerability to extraneous influences and possession of sufficient coercive powers do constitute the back bone of an effective environmental protection agency.

"Is it not time for us to have a legislation similar to NEPA? It seems that our policy makers and administrators are not seized of the gravity of the environmental hazards even after the Bhopal tragedy has brought untold miseries to our land. The lessons of Bhopal are many and points to the need of incorpo-

rating the environmental impact study in the statute. In the case of Bhopal the question is whether there had been a detailed prior study of the environmental impact before Union Carbide was permitted to start its factory in a crowded city like Bhopal, especially when the concerned industry will produce highly toxic materials. The Union Carbibe had to seek a licence and to get permission from several agencies such as Ministry of Chemicals and Fertilizers, Director General of Technological Development and Ministry of Agriculture, the Central Pesticides Board and the Government agencies of the State of Madhya Pradesh."[18]

A review of the forgoing discussion makes it amply clear that the problem of environmental management is multidimensional. In our Seventh Five Year Plan the Government has squarely admitted the need for environmental management. However our biggest problem are lack of information to which the public is due and the lack of a cohesive Environmental Policy that has not emerged even in these times of crisis.[19]

"Members of the public are the most affected victims of pollution. But their participation in the pollution control process is lacking in a developing country like India. In the United States there has

been wide public participation in management of the environment. Even the English laws provide for such participation. There are instances where members of the public have brought court actions to challenge the location of industries to abate pollution and more generally, to public institutions to take the environment into account in proposed developmental activities. This also helps in making rational and objective decision making where narrow considerations would otherwise have prevailed. Further to strengthen this process, the people must have a right to receive information or to have information access. 'Canada has enacted Access to Information Act which came into force on July 1, 1983. The basic principle behind the legislation is to make the operations of government as open as possible to the people it serves. A citizen who has not been able to get the needed information, may apply under the above law.'[20] The Access Register and Access Request forms are available at public libraries and Government Information Offices. The Government has appointed Access Coordinators in each regional office to help those concerned identify the record they wish to see. To make public participation meaningful and purposeful it is utmost desirable that in our country also the public should have a legal right to have access to information in all matters concerning the environment.

In this non-governmental agencies should be allowed to play a greater role. These organizations have been given no legal powers to press their point of view. In this way, their labour and work vis-a-vis impact analysis study remains outside the policy-making areas. Hence pollution control agencies should be independent with powers to enforce their decisions. All these bodies like NCEP, DOE and other ones should be manned by experts. Only persons with professional background should be associated with the working of these organizations. Legislative enactments regarding environmental pollution have to be drafted with deep foresight plugging all conceivable loopholes for escaping punishment.[21] Environmental offences should be clearly defined and it should provide for penalties for those who in violation of the laws and regulations on environmental protection shall cause or commit direct or indirect emissions or discharge of any kind into the atmosphere, soil, inland or maritime-waters liable to cause serious damage to the health of persons, animal life, forests and natural and cultivated areas. The law should provide for proper environmental impact study which could be better done by giving non-governmental organization a legal recognition. To make public participation more meaningful, it is essential that members of the public

are given a legal right to have access to information
to all matters and documents relating to control of
pollution.

FOOTNOTES & REFERENCES

1. CHOWDHARY, R.L., "India's Environmental Policies : A Review" in Environmental Policy in India, Papers & Proceedings (Orient Seminar, IIPA, 1982) pp.63.

2. Government of India, Department of Science and Technology, Report of the Committee for recommending legislative measures and administrative machinery for ensuring environmental protection (Chairman, N.D. Tiwari) (Govt. of India) p. 9. Hereafter referred to as Tiwari Report.

3. Ibdi; Tiwari Report, p. 56.

4. Institute of Science and Environment, State of India's Environment - A Citizens Report, 1982 (New Delhi, Institute of Science & Environment) p. 181.

5. BASI, Upendra, "Energing legal issues in the Agroeco Systems" in ed. R.P. Anand Law, Science and Environment (Delhi Ashish Publishers, 1984) p. 248.

6. Ibid; p. 248.

7. Government of India, Home Affairs (Ministry of) ⁴

Report on Centre-State relations (1988) (Chairman
Justice R.S. Sarkaria) p. 457.

8. Ibid; p. 458.

9. Ibid; p. 458.

10. Ibid; p. 459.

11. Ibid; p. 459.

12. Tiwari Committee Report - op.cit. p.

13. Ibid; p. 459.

14. SETHI Harsha "Environmentalism, ecology & Voluntary
movement - Indian Journal of Public Administration
April-June 1984, Vol. XXX p. 288.

15. Ibid; pp. 288-289.

16. Institute of Science and Environment, 'State of
India's Environment - A citizen's report 1982
(Delhi, Institute of Science and Environment) p. 385.

17. SETHI Harsha, op-cit. p. 291.

18. Institute of Science and Environment, 'State of
India's Environment - A citizen's report 1984-85
(Delhi, Institute of Science & Environment) p. 185.

19. BHUSHAN, Bharat "Environmental agitations" - _Times_
     of India, November 5-6, 1986.

20. SETHI, Harsha, "NGOs in India : A troubled future
     (NORAD, 1986) p234.

21. SPRU, R.K. Environmental Management in India (Delhi,
     Ashish Publishers, 1988) p.32.

22. Tiwari Report, op-cit : Annexure 3-14.

CONCLUSION

Over the last few years, the emphasis on the study of federalism has shifted from legal aspect to the political, from structure and design to the process.

Theoretically there is a clear dichotomy between a unitary state and a federal one. Modern political theorists despite this do not view them as mutually exclusive. Accordingly to them both are a part of the same continuum. No concrete example of a purely federal or a purely unitary government are found. As a former solicitor general of Australia has rightly observed :

"If there is such a thing as a strict, pure or unqualified federal principle, then the hard fact is that there are no federations and no federal constitution." If the constitution showed strain in its working, the fault perhaps lies more with those who have worked it than with the constitution itself. The founding fathers were wise in providing for a constitution which could be federal or unitary. It was so framed that in normal times it could work as a federal constitution and in time of war or crisis as a unitary one.

The constitution aims at cooperative federalism, which seems to be a panacea for the greviances of the state.

Federalism as an organizational device cannot be divorced from the requirements of its age, Indian model too is a product of its times and has been changing along with time, and be in time with a new pattern, which is neither purely federal; nor purely unitary.

An analysis of chaper II points to the following conclusions -

1.   Before 1977 (except for a brief period 1967-69 the most important development of our party system was the development of a one-party dominant system of the Congress.

2.   After 1977 the trend has been the increasing dimunition of the congress monolith with the party having to face increasing competition from strongly entrenched regional parties at the state level for election of MPs even for the Lok Sabha.

3.   Voting trends have consistently shown the bifurcation of issues for the Lok-Sabha and the Vidhan Sabha, in the rise of strong regional partie:

doing much better at the assembly level than the various national parties.

4.   At the state level national parties have also been acting as local parties and a clear two party sysstem has been emerging in various states with localised national parties and state level regional parties vying with each other in a local two party system viz. Tamil Nadu, West Bengal, Kerala, Rajasthan, Madhya Pradesh, Assam, Andhra Pradesh and Karnataka.

5.   However the Congress party remains the only national party at the centre with an all India organization and an evenly distributed support. It is also the only national party which is either the first or the second party in the majority of the states.

6.   The growth and permanence of the Regional parties has become an entrenched part of our system and they have become a permanent feature.

7.   Rise of coalitional politics at the centre since 1980s with the emergence of N.F., BJP - Shiv Sena combine, Congress (I) and its allies like the AIADMK in Tamil Nadu and other regional outfits in the North East.

In the view of changes taking place in the party patterns obviously our federal system is also undergoing changes with states governed by opposition parties demanding more autonomy. Chapter III and IV deal with two issues which have in recent years generated jurisdiction conflict.

An analysis of Chapter III clearly brings out the fact that though maintenance of law and order is a state subject National security and public order are central subject. Allegations of states that the centre has been encroaching upon the state subject of law and order by treating such problems as national security problem in non-Congress rules states is not really viable. It is also not correct to say that by deploying its para-military forces suo-moto it is encroaching on a state subject. The demand of the states that these forces be completely under their control is already provided for however their demand that they be allowed to punish or take discriplinary action against them cannot be allowed for **firstly** since they are central forces they can only be tried by the central government. **Secondly** state governments may due to political compulsion, not act in total fairness when dealing with them and finally if their apolitical nature is to be preserved they have to act independently without becoming a victim of Inter-party and inter-governmental tensions.

Nevertheless in view of changing circumstance the state governments should be involved from the very beginning in any negotiations regarding paramilitary deployment even though it is not obligatory also the central government must use its discretion regarding a problem as 'Law and Order problem' or 'Internal security problem' more objectively and in the spirit of the constitution. And finally long term and institutional framework be developed through the NDC, inter-state council and such other agencies regarding the terms and conditions of service and financial managements etc. in the spirit of cooperation.

Chapter IV brings out very clearly the urgent need and a strong case for an integrated environmental policy. In it state governments should play a crucial role. In order to achieve the above an administrative structure for coordinating the functions related to environmental protection at the state level by creating a department of Environment at the state level which is to work in coordination with the DOE at the centre and both be guided by a National Committee of Environment & planning manned by experts and professional without bureaucratization of the committee. The NDC could also coordinate by collecting information regarding ecology from the DOE and the states and present an integrated approach towards policy formation discussion and information dissemination. There is also need for state Environment Committee on the

lines of the NCEP which would interact with the NCEP and guide all environmental activities at the state level with states providing them with adequate financial and staff requirements.

A perusal of the above mentioned clearly shows that for a developing country like India the way to progress is not confrontational federalism but cooperational federalism for we have neither resources to waste nor the energy. It would be much better if both the central and the state governments respect each others area of functioning and work though the various inter-governmental agencies which as experience shows have to be developed and healthy conventions have to be laid down if we are to function successfully as a 'Union of States', for cooperative federalism subsists on the basis of simultaneous independence and interdependence of the centre and the stats.

What this means is that, our federal system should be streamlined 'within' the broad framework of our constitution with suitable alterations and adjustments in the light of our past experience of almost 50 years.

Against this background, it is suggested that the centre should make a concious effort to institute cooperative mechanisms like the inter-state council and further activate all the devices of cooperative federalism which are already at work in the field of centre state relations.

BIBLIOGRAPHY

I.   **PRIMARY SOURCES**

(a)   Reports

1.   Government of West Bengal "Memorandum on centre-state relations, 1977 (Government of West Bengal, 1977).

2.   Government of India, Science and Technology (Department of) Report of the Committee for recommending legislative measures and administrative machinery for ensuring environmental protection (Government of India, 1980).

3.   Government of India, Home Affairs (Ministry of) Report on Centre-State Relations (1988) (Chairman Justice R.S. Sarkaria).

4.   Government of India, Law Justice and Company Affairs (Ministry of), Manual of Election Law 9th edition (Government of India).

II.   **SECONDARY SOURCES**

(a)   Books

1.   ANAND, R.P., KHAN, Rehmatullah, Law and environment (New Delhi, Lancer books, 1983).

2.   BANDOPADHYAYA, J., JAYAL, N.D. and SCHOETTLI, U., India's environment-Crisis & Responses (New Delhi, Natraj Publishers 1978).

3.   BHAMBHRI, C.P., Janata Party : A Profile (New Delhi; National, 1960).

4.   BHAMBRI, C.P., Politics in India (N.D., Concept India Co. Ltd., 1989).

5.   BHARGAVA, Gopal, Environmental Pollution and law (Varanasi, Hind Kitab Limited, 1981).

6.   BOSE, S. Nemai, ed. India in the eighties - The projections & New perspectives (New Delhi, 1983).

7.   BOSE, T.C. ed. Indian Federalism (New Delhi, K.P Bagchi & Company, 1986).

8.   BRASS, Paul "Political Participation, Institutionalization in India" - ed Henry S. Abinski, Asian Political Process : Essays and Readings. (London, Allyne and Bacon, 1971).

9.   BUTLER, David, ROY, Pronnoy & LAHIRI, Ashok, India Decides : Elections 1952 - 1991 (New Delhi, Living Media, 1991).

10.   Centre for Science and Environment, 'The State
         of India's environment' - A Citizen's Report
         (New Delhi Centre for Science and Environment,
         1982). 1982.

11.   Centre for Science and Environemnt, 'The State
         of India's environment' - A Citizen's Report
         (New Delhi Centre for Science & Environment -
         1985). 1984-85

12.   CHOWDHARY, R.L., India's Environmental Policies
         : A Review in Environmental Policy in India,
         Papers and proceedings (Orient Seminar) (IIPA,
         1982).

13.   DAS, Harihar and CHOWDHARY, B.C., Federal and
         State Politics in India (New-Delhi, Discovery
         Publishing House, 1990).

14.   DATTA, Abhijit, ed. Selected Articles - Union-
         State Relations (Delhi, IIPA, 1984).

15.   DUTT, R.C. ed., Centralism and Devolution of
         Power (New Delhi; Lancer Press 1990).

16.   GUPTA, Avijit, Ecology and Development in the
         third world (Singapore, Routledge 1989).

17. GUPTA, R.L., Electoral politics in India (New-Delhi, Discovery Publishing House, 1984).

18. GUPTA, U.N., ed. Indian Federalism and Unity of the nation (New Delhi Lancers Press 1990).

19. HARDGRAVE Jr., R.L., India under pressure : prospects for political stability (Boulder; Westview Press, 1984).

20. IYER, V.K., Environmental pollution and the law (Bhopal, Vedpal Law House, 1987).

21. JAFAR, Ghani, Elections in India 1984-85 (New Delhi, Institute of Regional Studies, 1985).

22. JOSHI, K.L. & RANA, S.P. ed. Centre-State tensions - A Study. (New Delhi, Harman Publishing House, 1990).

23. JOSHI, Ram and HEPSUR, R.K., Congress in Indian Politics : A Centenary Perspective (New Delhi, Popular Prakashan, 1987).

24. KOTHARI, Rajni, Politcs & People, Vol.I & Vol. II (New Delhi, Ajanta Publications 1989).

25. KUMAR, Anand, *Political Philosophy of Peripheral, capitalism; making the state agenda in post-colonial India* (Chicago, University of Chicago Press, 1985).

26. LOW, A.D., *Indian National Congress : A centenery perspective* (Oxford; Oxford University Press, 1988).

27. MANOR, James, *Parties and Party system* (Chicago, University of Chicago Press, 1985).

28. MATTHEW, K. Kurien and VERGESE, P.N., *ed. Centre-State Relations* (Delhi, Macmillan, 1981).

29. NAIK, J.A., *The Janata Revolution* (New Delhi; Chanakya Publishers, 1977).

30. NAIK, J.A., *From total Revolution to total failure* (New Delhi, Chanakya Publishers, 1980).

31. PAL, Chandra, "*State autonomy in Indian Federation* (New Delhi; Deep and Deep Publications, 1984).

32. PAL, Chandra, *Centre-State relations and cooperative federalism* (New Delhi; Deep and Deep Publications, 1983).

33.   PALMER, Norman, Elections and Political
      Development (New Delhi, Longman, 1978).

34.   PANT, H.G., ed. Constitutional System in India:
      continuity and change (Delhi; Vandana
      Publications, 1983).

35.   PRASAD, Anirudh, Centre and state power under
      Indian federalism (Delhi; Deep and Deep, 1981)

36.   RAY, Amal, Tension Areas in Indian Politics
      (Calcutta, Asian Publishing House 1970).

37.   RUDOLPH, Llyod & RUDOLPH, Susanne, In pursuit
      of Laxmi (Chicago, University of Chicago Press,
      1985).

38.   SAPRU, R.K., Environmental Management in India
      (New-Delhi; Ashish Publishers, 1987) Vol. I &
      Vol.II.

39.   SETHI, Harsha, Environmentalism ecology and
      voluntary movement - Indian Journal of Public
      administration, April-June 1984, Vol. XXX.

40.   SETHI, Harsha, NGOs in India : A troubled
      future (NORAD, 1986).

41.   SINGH, Shekhar, Environmental policy in India, (New Delhi; IIPA, 1984).

42.   SINGH, R.B., Studies in Environment & development (New Delhi, Common Wealth Publishers, 1986).

43.   WEINER, Myron, India at the Polls: Parliamentary elections of 1977 (Washington D.C., American Enterprise for Policy Research, 1978).

44.   WEINER, Myron, India at the Polls 1980 (Washington D.C.; American enterprize for policy research, 1980).

45.   VARSHNEY, Ashutosh, The Indian Paradox : Essays on Indian Politics, Myron Weinor (New Delhi; Sage Publishers, 1990).

(b)   Articles

1.   _____   "A year of election in a culture of change" - Asian Survey, December 1989 Vol. XXXIV.

2.   SISSON, Richard and VANDERBOK, William, Mapping the Indian electorate; trends in party

support in seven general elections" - Asian Survey, October 1983, Vol. XXII.

3. SISSON, Richard, "Dawn of Coalition Politics - Asian Survey, June 1990, Vol. XXXV.

4. WEINER, Myron, "Congress Restored : Continuities & discontinuities in Indian politics" - Asian Survey, April 1982, Vol. XXII.

5. PERIPHERALIST, Centre-State relations : a good lead - Economic and Political Weekly 18(38) 17 September 1983.

6. SATYAMURTHY, T.V., Centre-State relations : Southern chief ministers meeting - Economic and Political Weekly 18(5) : 9 April 1983.

7. RAJU, K.H. Cheluva, "Indian Federalism and the integrity of the nation" - Indian Journal of Political Science, Vol. 49 Jan-March 1988.

8. SIGH, Bhawani, "Federalism and state politics in India" - Indian Journal of Political Science 4(2); 2(1-2) July 1981 (Delhi; Indian political science association).

9.   SARASWATHI, S., "Participative centralisation
       Sarkaria Commission prescriptions for centre
       state relations - Indian Journal of Political
       Science. Vol. 50, January 1989 (Delhi; Indian
       Political Science Association).

10.   GEHLOT, N.S., "Indian Federalism & problem of
       Law & Order" Indian Journal of Constitutional &
       Parliamentary Studies (Delhi Institute of
       Constitutional and Parliamentary Studies) Vol.
       14 April-June 1981.

11.   DUA, Bhagwan, D., "India : A study in the
       pathology of federal system" - Journal of
       Commonwealth and Comparative Politics 19(3)
       November 1981.

12.   Issue - "Federal Power" - Seminar (226) June
       1978 : pp 10-44.

13.   PARANJAPAYE, H.K., "Dispersion the power -
       Seminar (286) September 1983.

14..   Issue - "Federal focus" - Seminar (289)
       September 1983.

15.   BHATTACHARYA, C.   "An analysis of centre-state relations" – <u>Social Scientist</u>, 10(7), July 1982.

III.   **JOURNALS AND PERIODICALS CONSULTED**

1.   Asian Survey
2.   Indian Journal of Constitutional and Parliamentary Studies.
3.   Indian Journal of Political Science.
4.   Journal of Commonwealth & Comparative Politics.
5.   Seminar Magazine
6.   Social Scientist.

IV.   **NEWSPAPERS**

1.   The Hindustan Times
2.   The Times of India
3.   Statesman
4.   Deccan Chronicle
5.   The Hindu
6.   Telegraph
7.   Northern India Patrika

NATIONAL ENVIRONMENT POLICY RESOLUTION

1. Life owes its existence and obtains its sustenance, growth and fulfilment from the environment, which is the product of complex and dynamic interactions of physical, chemical, biological and social systems. The quality of life is linked with the quality of the environment.

2. Man is continuously altering the environment to satisfy his needs and aspirations. Nature has, however, finite capacity to accommodate such changes without degradation. Pressures of growing population and technological capabilities often inflict undesirable and irreversible changes, outstripping nature's regenerative capacity. In many cases these have adversely affected life support system.

3. Conservation and improvement of the environment are vital for the survival and well being of man. National resources of land, air and water have to be used wisely as a trust, to ensure a healthy environment for the present and future generations.

4.   The National Enviroment Policy (NEP) must ensure effective and judicious utilisation of resources - natural, manmade and human - to meet the needs of the population without undermining the carrying capacity of the environment of preempting future choices.

5.   The Government of India, therefore, resolves that the objectives of the National Environment Policy shall be to :

5.1   conserve and develop a safe, healthy, productive and aesthetically satisfying environment;

5.2   upgrade, develop and manage rural and urban settlements to enhance the quality of life;

5.3   plan development on sound ecological principles with environmental impact assessments and incorporating appropriate environmental safeguards;

5.4   promote environmental safety technologies, recycling of resources and utilisation of wastes;

5.5   conserve the biotic diversity in the country by creating nature reserves and sanctuaries for specific habitats such as mountains, rain forests, pastures, deserts, wetlands, lakes, beaches, mangroves, estuaries, lagoons and islands;

5.6   safeguard the environment within the national mari-
time Exclusive Economic Zone;

5.7   evolve environmental norms and establish effective
mechanisms for monitoring surveillance and
collection and dissemination of information.

5.8   preserve scenic landscapes, as well as historic and
cultural mounments and their environs;

5.9   promote environmental education at all levels to
create public awareness;

5.10   encourage research in environmental sciences and
technological and social investigations to conserve
and improve the environment; and

5.11   develop adequate manpower within the country of
ecologists, environmental scientists, planners and
managers of the highest quality and recognize their
work as an important component of national
development.

6.   Recognizing the importance of effective action, the
Government further resolves to create a quick-
responsive, independent and innovative national
organisation with adequate funds and manpower. It
shall be vested with the responsibility and matching
authority to ensure that development proceeds in

consonance with the National Environment Policy. This organisation will present to Parliament an Annual Report on the State of the Environment.

SUGGESTED ADMINISTRATIVE STRUCTURE
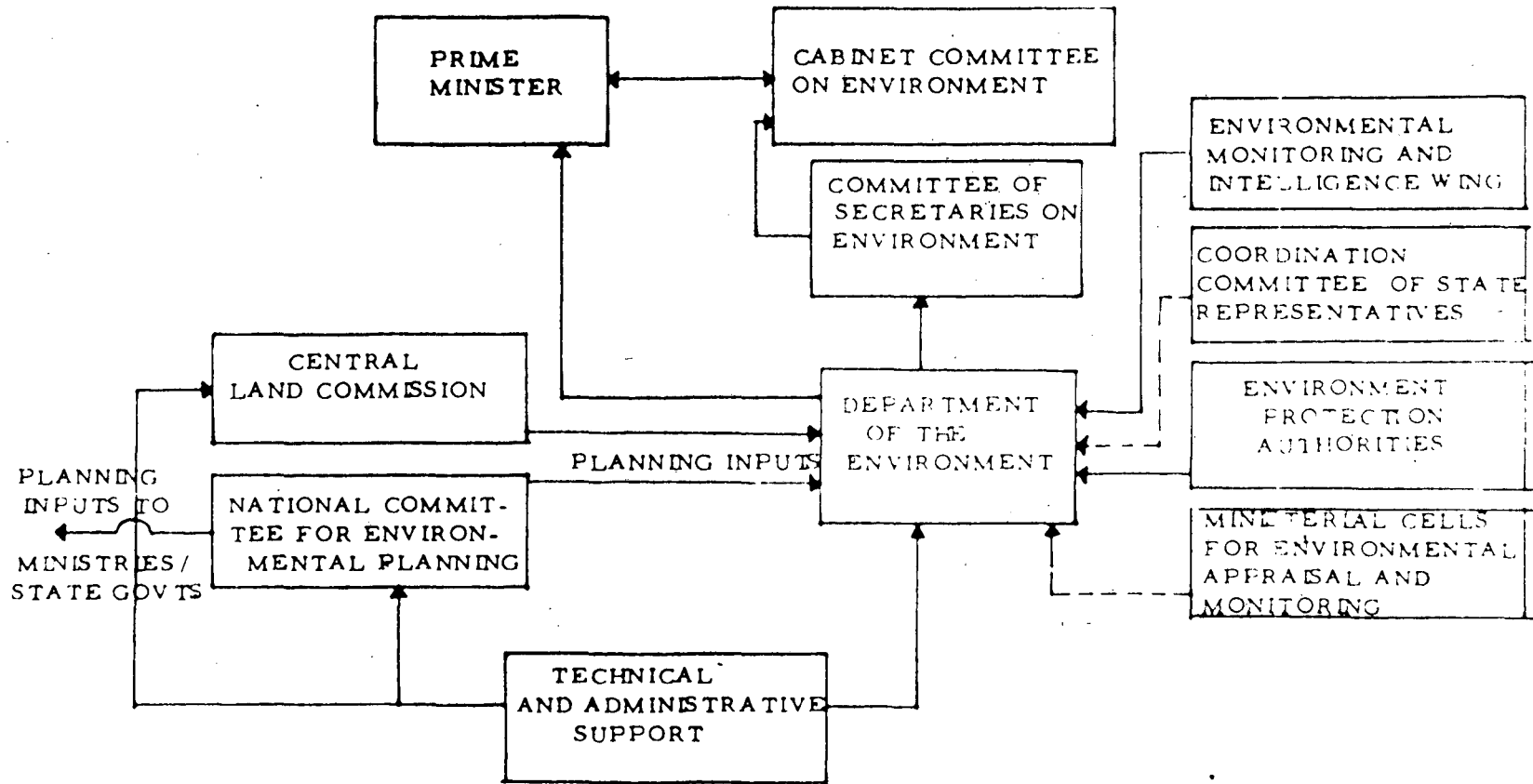## FOR ENVIRONMENTAL
MANAGEMENT AND COORDINATION
AT THE CENTRE

```
┌──────────────┐         ┌────────────────────┐
│   PRIME      │◄───────►│  CABINET COMMITTEE  │
│   MINISTER   │         │  ON ENVIRONMENT     │
└──────────────┘         └────────────────────┘
                         ┌────────────────────┐   ┌──────────────────────┐
                         │  COMMITTEE OF      │   │  ENVIRONMENTAL       │
                         │  SECRETARIES ON    │   │  MONITORING AND      │
                         │  ENVIRONMENT       │   │  INTELLIGENCE WING   │
                         └────────────────────┘   └──────────────────────┘
                                                  ┌──────────────────────┐
                                                  │  COORDINATION        │
   ┌──────────────────┐                           │  COMMITTEE OF STATE  │
   │  CENTRAL         │         ┌──────────────┐  │  REPRESENTATIVES     │
   │  LAND COMMISSION │         │  DEPARTMENT  │  └──────────────────────┘
   └──────────────────┘         │  OF THE      │  ┌──────────────────────┐
                    PLANNING INPUTS  ENVIRONMENT │  │  ENVIRONMENT         │
 PLANNING                        │              │◄─┤  PROTECTION          │
 INPUTS TO                       └──────────────┘  │  AUTHORITIES         │
   ┌──────────────────┐                           └──────────────────────┘
 MINISTRIES/  │  NATIONAL COMMIT- │                ┌──────────────────────┐
 STATE GOVTS  │  TEE FOR ENVIRON- │                │  MINISTERIAL CELLS   │
              │  MENTAL PLANNING  │                │  FOR ENVIRONMENTAL   │
              └──────────────────┘                │  APPRAISAL AND       │
                                                  │  MONITORING          │
              ┌──────────────────┐                └──────────────────────┘
              │  TECHNICAL       │
              │  AND ADMINISTRATIVE│
              │  SUPPORT         │
              └──────────────────┘
```

FIGURE   1

SUGGESTED ADMINISTRATIVE STRUCTURE FOR
ENVIRONMENTAL MANAGEMENT AND
COORDINATION AT STATE LEVEL

CHIEF
MINISTER

STATE
CABINET COMMITTEE
ON ENVIRONMENT

COMMITTEE
OF
SECRETARIES

ADMINISTRA-
TIVE
MINISTRY

TECHNICAL
SUPPORT

STATE ENVIRON-
MENT PROTECTION
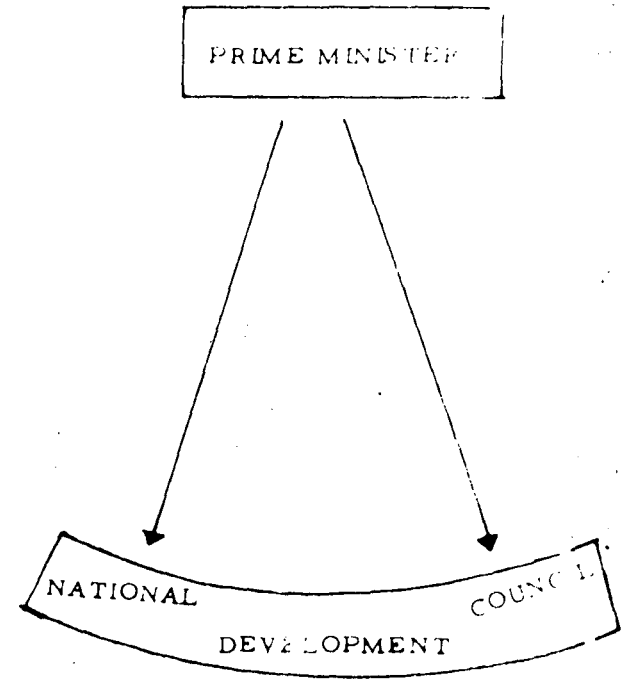AUTHORITIES

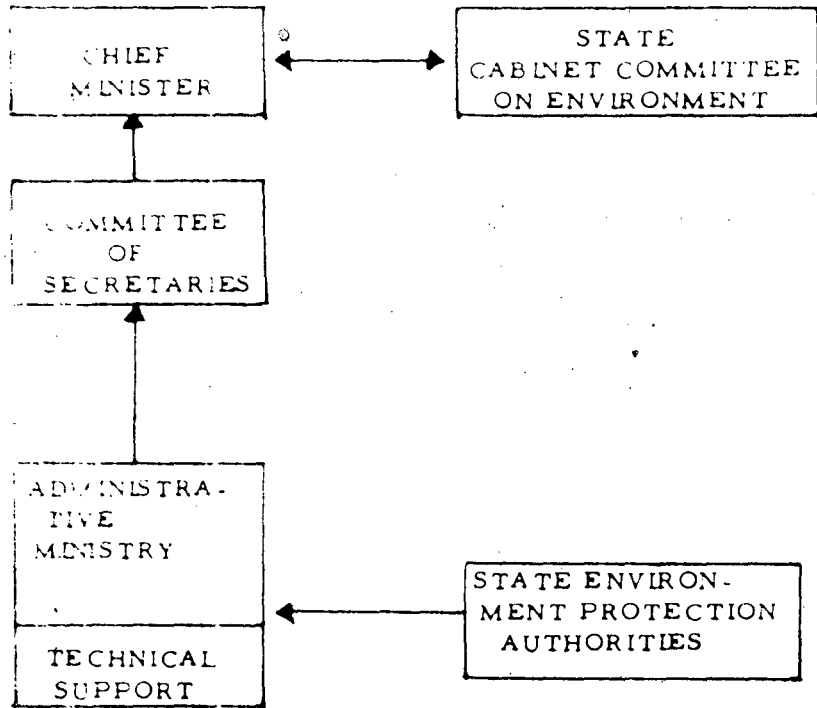PRIME MINISTER

NATIONAL

COUNCIL

DEVELOPMENT

FIGURE   2

SELECTIVE LIST OF ENVIRONMENT RELATED LEGISLATION

Central Enactments

1. Water Pollution

    1.1   The River Boards Act, 1956.

    1.2   The Merchant Shipping (Amendment) Act, 1970.

    1.3   The Water (Prevention and Control of Pollution) Act, 1974.

    1.4   The Water (Prevention and Control of Pollution) Cess Act, 1977

2. Air Pollution

    2.1   The Indian Boiler's Act, 1923

    2.2   The Factories Act, 1948

    2.3   The Industries (Development and Regulation) Act, 1951

    2.4   The Mines and Minerals (Regulation and Development) Act, 1947.

3. Radiation

    3.1   The Atomic Energy Act, 1962

    3.2   The Radiation Protection Rules, 1971

4. Pesticides

    4.1   The Insecticides Act, 1968

    4.2   The Factories Act, 1948

    4.3   The Poison Act, 1919

5. Others

    5.1   The Wild Life (Protection) Act, 1972

    5.2   The Indian Forest Act, 1927

5.3   The Indian Fisheries Act, 1897

5.4   The Urban Land (Ceiling & Regulation) Act, 1976

5.5   The Prevention of Food Adulteration Act, 1954.

5.6   The Ancient Mounments and Archaeological Sites and Remains Act, 1958.

State Enactments

1.   Water Pollution

1.1   The Orissa River Pollution Prevention Act, 1953; and

1.2   The Maharashtra Prevention of Water Pollution Act, 1969

2.   Smoke Control

2.1   The Bengal Smoke Nuisance Act, 1905

2.2   The Gujarat Smoke Nuisance Act, 1963

2.3   The Bombay Smoke Nuisance Act, 1912

3.   Pest Control

3.1   The Andhra Pradesh Agricultural Pest and Disease Act, 1919

3.2   The Assam Agricultural Pests and Disease Act, 1954.

3.3   The U.P. Agricultural Diseases and Pests Act, 1954.

3.4   The Mysore Destructive Insects and Pests Act, 1917.

3.5   The Kerala Agricultural Pests and Disease Act, 1958.

4.   Land Utilization and Land Improvement

4.1   The Andhra Pradesh Improvement Schemes Act, 1949.

4.2   The Acquisition of Land for Flood Control and
       Prevention of Erosion Act, 1955.

4.3   The Bihar Waste Lands (Reclamation, Cultivat-
       ion and Improvement) Act, 1946.

4.4   The Delhi Restriction of Uses of Land Act,
       1964.

1647